

**SEMINOLE COUNTY GOVERNMENT
LOCAL PLANNING AGENCY/PLANNING AND ZONING
COMMISSION AGENDA MEMORANDUM**

SUBJECT: Small Scale Land Use Amendment from Office to Higher Intensity
Planned Development and Rezoning from A-1 (Agriculture) to PUD
(Planned Unit Development) (Fox Chase Partners – applicant)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Amanda Smith **EXT.** 7339

Agenda Date 04/03/02 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

Recommend approval of the small scale land use amendment from Office to Higher Intensity Planned Development, rezoning from A-1 (Agriculture) to PUD (Planned Unit Development), Final PUD Master Site Plan, and Developer's Commitment Agreement for the Mystic Cove PUD, located on the north side of SR 426 (Aloma Avenue) and east of the Greenway.

(Commissioner Maloy, District 1)

(Amanda Smith, Senior Planner)

BACKGROUND:

The applicant, Fox Chase Partners, Ltd, is requesting a small scale land use amendment from Office to HIP, and rezoning from A-1 to PUD, in order to add a 3.8-acre parcel to the Mystic Cove PUD (formally known as the O. G. Commercial PUD) for the development of an affordable housing apartment complex. The preliminary PUD on 12.57 acres was approved by the Board of County Commissioners in December 2000 for multi-family and commercial uses. The proposed change does not add more multi-family units above the 199 previously approved. The net density on the 3.8 acre parcel will be approximately 4.2 units per acre. The density within the approved portion of the PUD is 15.6 dwelling units per acre.

The applicant also requests approval of the Final PUD Master Site Plan and Developer's Commitment Agreement for the entire 16 acres.

Reviewed by:
Co Atty: RCC
DFS: _____
Other: AS
DCM: _____
CM: _____

File No. Z2000-056

STAFF RECOMMENDATION:

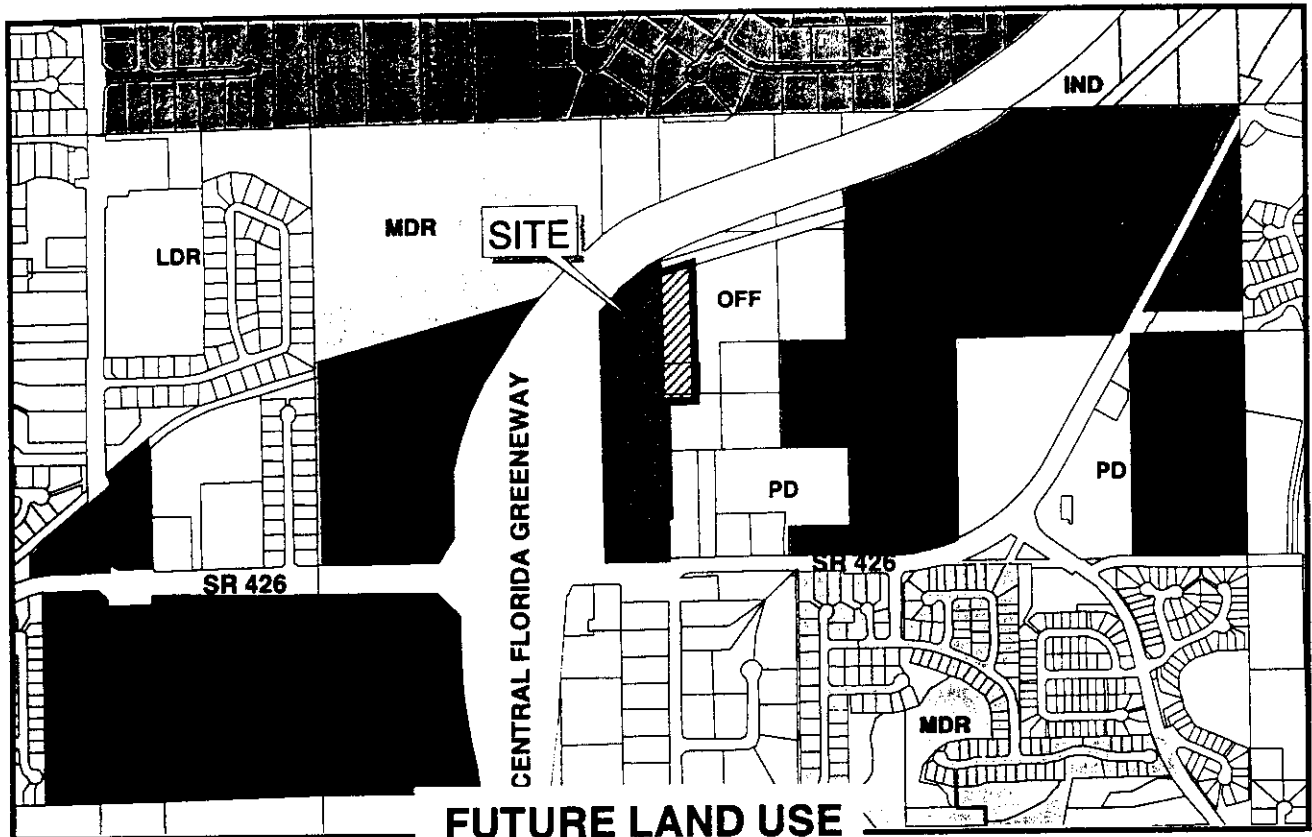
Planning Staff recommends approval of the proposed land use amendment from Office to Higher Intensity Planned Development (HIP) land use with findings that HIP land use, as proposed, would be:

1. Consistent with Plan policies related to HIP land use designation; and
2. Consistent with adjacent HIP and Office land uses; and
3. An appropriate transitional use at this location; and
4. Consistent with Plan policies related to mixed-use development; and
5. Consistent with Plan policies identified at this time.

Based on the above analysis, staff recommends that the subject request, as proposed, would be:

1. In compliance with the applicable provisions of the Vision 2020 Plan and the Seminole County Land Development Code related to PUD zoning; and
2. Compatible with surrounding development and surrounding Future Land Use designations of Higher Intensity Planned Development and Office.

Therefore, staff recommends approval of the rezoning from A-1 (Agriculture) to PUD (Planned Unit Development), subject to the attached development order and Developer's Commitment Agreement. In addition, staff recommends approval of the Final PUD Master Site Plan.



Site
 Municipality
 COM
 LDR
 HIP
 OFF
 MDR
 PD
 IND
 SE

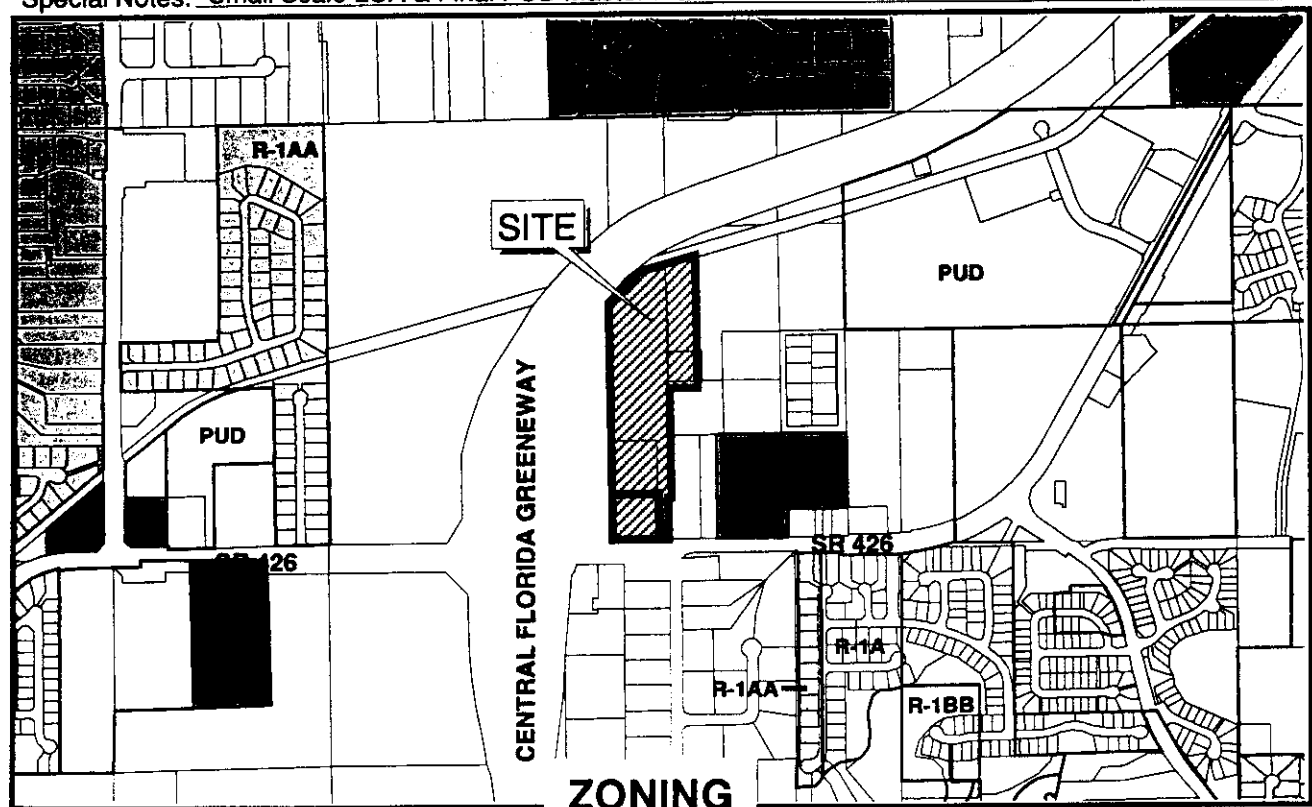
Applicant: Fox Chase Partners, Ltd. - Mystic Cove Apartments
 Physical STR: 31-21-31-300-0230, 023A & 021A, 021B, 021D,
021E-0000

Gross Acres: 14.59 BCC District: 1

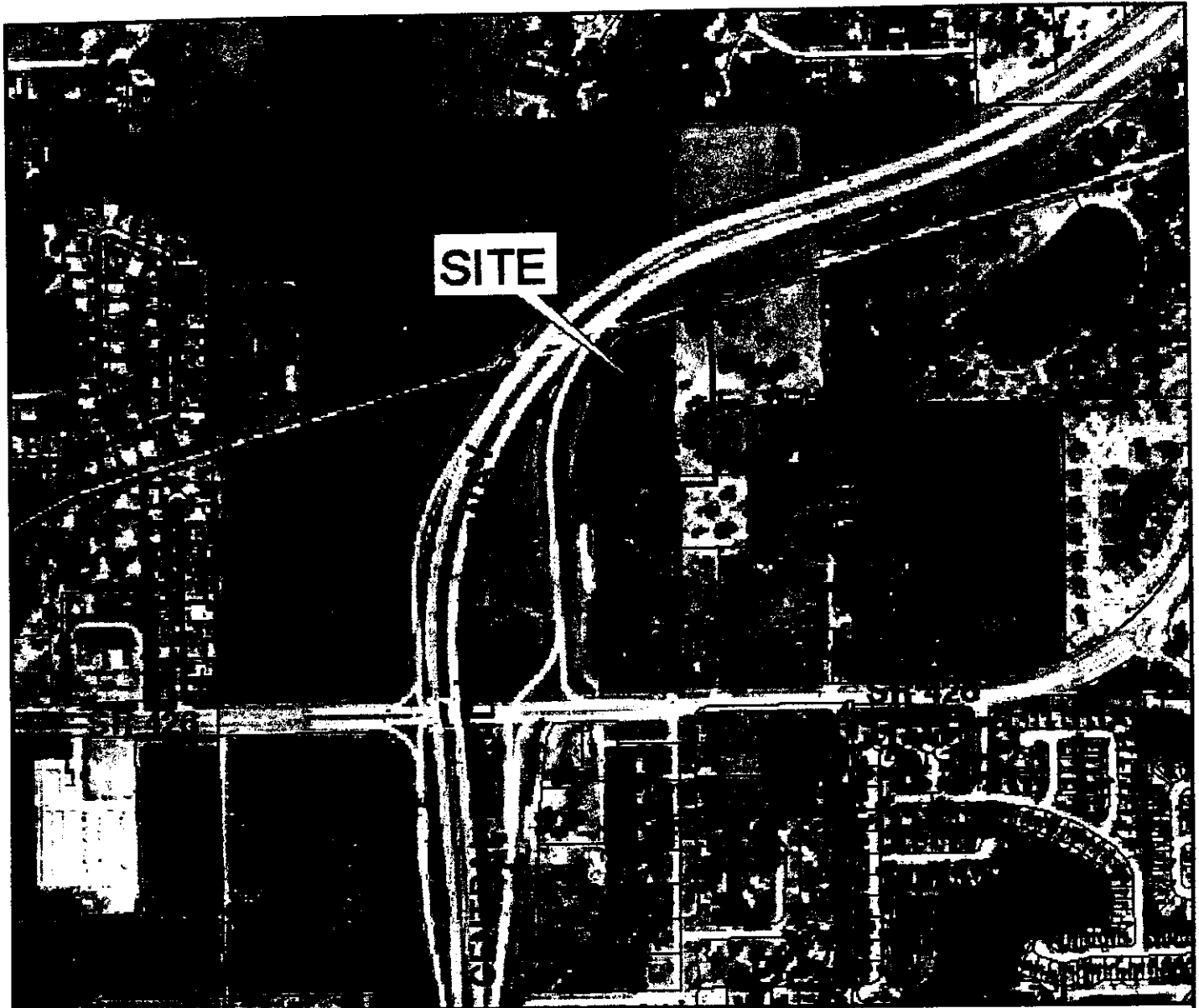
Existing Use: Vacant

Special Notes: Small Scale LUA & Final PUD Master Plan

	Amend/ Rezone#	From	To
FLU	04-02SS.1	OFF	HIP
Zoning	Z2000-056	PUD/A-1	PUD



A-1
 C-1
 R-1A
 R-1AA
 R-1BB
 PCD
 PUD
 RC-1

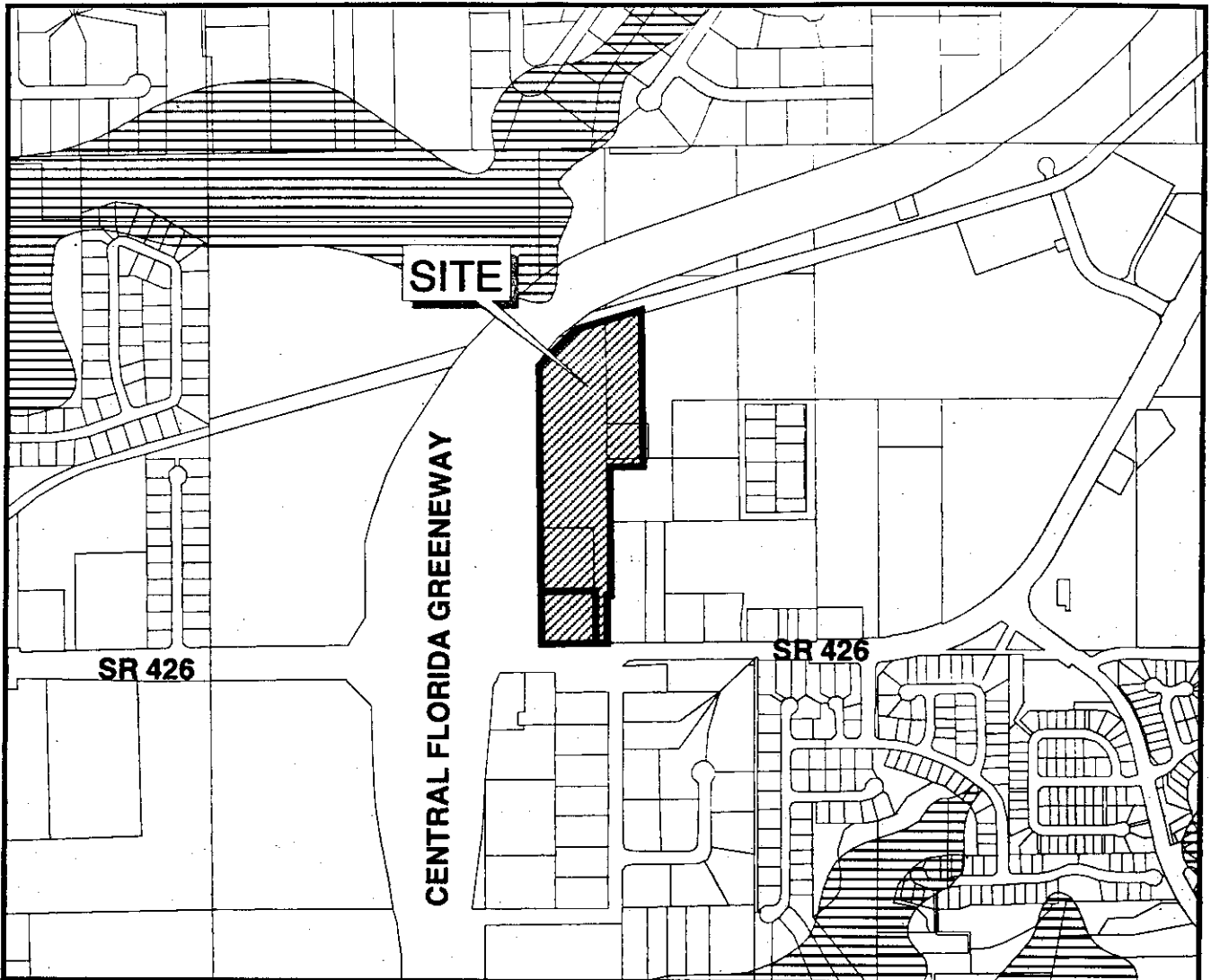


Rezone No. Z2000-056
From: PUD & A-1 To: PUD
Amendment No. 04-02SS.1
From: OFF To: HIP
☐ Subject Property
☐ Parcelbase



February 1999 Color Aerials

CONSERVATION



Rezone Z2000-056
From: PUD&A-1 To: PUD

-  Subject Property
-  Municipality
-  Flood
-  Wetlands



The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.

EXECUTIVE SUMMARY

for

Mystic Cove Apartments

Office to Higher Intensity Planned Development		Amendment 04-02SS.1 & Z2000-056
REQUEST		
APPLICANT	Fox Chase Partners, Ltd., c/o Steve Joos	
PLAN AMENDMENT	Office to Higher Intensity Planned Development	
REZONING	A-1 (Agriculture) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	3.8	
LOCATION	North side of SR 426, east of the Greenway, south of the Cross Seminole Trail	
SPECIAL ISSUES	The Cross Seminole Trail is located to the north of the subject property.	
BOARD DISTRICT	#1 – Comm. Maloy	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION April 3, 2002	PLAN AMENDMENT: Recommend approval of Higher Intensity Planned Development land use with findings that Higher Intensity Planned Development land use, as proposed, would be: 1. Consistent with Plan policies related to the Higher Intensity Planned Development land use designation; and 2. Consistent with adjacent Office and Higher Intensity Planned Development land uses; and 3. An appropriate transitional use at this location; and 4. Consistent with Plan policies related to mixed-use development; and 5. Consistent with Plan policies identified at this time. <i>See next page for rezoning recommendation</i>	

**Office
To
Higher Intensity Planned Development**

**Amendment
04-02SS.1 &
Z2000-056**

RECOMMENDATIONS AND ACTIONS

**STAFF
RECOMMENDATION
April 3, 2002**

REZONE: Based on the above analysis, staff recommends that the subject request, as proposed, would be:

1. In compliance with the applicable provisions of the Vision 2020 Plan and the Seminole County Land Development Code related to PUD zoning; and
2. Compatible with surrounding development and surrounding Future Land Use designations of Higher Intensity Planned Development and Office.

Therefore, staff recommends approval of the rezoning from A-1 (Agriculture) to PUD (Planned Unit Development), subject to the attached development order and Developer's Commitment Agreement.

STAFF ANALYSIS

Office
To
Higher Intensity Planned Development

Amendment
04-02SS.1 &
Z2000-056

1. **Property Owner(s):** Charlotte Wilson and St. Alban's Church, Inc.
2. **Tax Parcel Number(s):** 31-21-31-300-021A-0000
31-21-31-300-021B-0000
31-21-31-300-021D-0000
31-21-31-300-021E-0000
3. **Applicant's Statement:** None provided.
4. **Development Trends:** The area along the north side of State Road 426 (Aloma Avenue), south of the Cross Seminole Trail, and east of SR 417 has been developing with a mixture of commercial and multi-family uses. If approved, the subject property will be incorporated into the Mystic Cove Apartments PUD (formally known as the O. G. Commercial PUD), a mixed use development that permits commercial and multi-family uses.

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES:

- a. The A-1 zoning district permits single-family development and a variety of agricultural and non-residential uses, such as churches.
- b. The requested Higher Intensity Planned Development land use and PUD zoning, as proposed, would potentially permit the proposed uses of commercial and multi-family residential development within a mixed-use PUD. The applicant proposes to incorporate the subject property into the approved O.G. Commercial PUD. The proposed residential density for the subject property would be 4.2 units/acre. However, the entire PUD would have a density of 12.6 units/acre.

Location	Future Land Use*	Zoning*	Existing Use
Site	Office	A-1	Vacant
North	Higher Intensity Planned Development	A-1	Cross Seminole Trail and the Central Florida Greenway
South	Low Density Residential	A-1	SR 426 (Aloma Avenue) and vacant residential
East	Office	A-1	Single-family residential, church and pond
West	N/A	N/A	Central Florida Greenway and retention pond

* See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the affect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. Traffic Circulation - Consistency with Future Land Use Element: *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via SR 426, an arterial road, which is currently operating at level of service (LOS) "B" with a projected 2020 LOS of "D".

B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps: *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County.*

The subject properties are within the Seminole County Utilities water and sewer service area.

C. Public Safety – Adopted Level of Service: *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Rescue Howell Branch Station (#23). Response time to the site is greater than 5 minutes, which exceeds the County's average response time standard of 5 minutes. The actual response times will vary due to changing road conditions, unit availability and other unforeseen circumstances. The subject property is located on the outskirts of the station's current zone, which can effect the response times.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 20/20 Plan, but are not applied in detail at this stage.

A. Preliminary Development Orders: Capacity Determination: *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve these properties indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection: *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

A mitigation plan shall be submitted and approved prior to final engineering plan approval for the impacts to the on-site wetlands. A conservation easement will be required for all post development wetlands and their required buffers.

C. Protection of Endangered and Threatened Wildlife: *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

Prior to submission of final engineering plans for development of this property, a survey of threatened, endangered and species of special concern will be required to determine the presence of any endangered or threatened wildlife.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, Higher Intensity Planned Development land use, as proposed, would be consistent with Plan policies identified at this time and therefore is consistent with the Seminole County Vision 2020 Comprehensive Plan.

Applicable Plan policies include, but are not limited to, the following:

1. **Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

The Higher Intensity Planned Development future land use designation encourages a variety of residential and non-residential development along collector and major arterial roadways, as well as expressways. Due to the subject property's proximity to SR 426 and the Central Florida Greenway, the development's proposed intensity would be consistent with the requested future land use designation of HIP.

In addition, the PUD zoning classification provides for flexibility in determining if a project is compatible with adjacent properties, through sensitive site

design, such as sufficient buffering and limiting adjacent uses to passive and unobtrusive uses.

Other applicable plan policies include:

Higher Intensity Planned Development – Core and Transitional Areas Definition
Higher Intensity Planned Development (HIP) General Uses and Intensities (Policy FLU 5.7)
Higher Intensity Planned Development (HIP) Purpose (Policy FLU 5.6)
Determination of Compatibility in the PUD Zoning Classifications (Policy FLU 2.11)
On-site Traffic Flow (Policy FLU 2.12)

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public safety level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

Ordinances

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM OFFICE TO HIGHER INTENSITY PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on April 3, 2002, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on April 23, 2002, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land

ORDINANCE 2002-**SEMINOLE COUNTY, FLORIDA**

Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS APPENDIX "A"

ORDINANCE 2002-**SEMINOLE COUNTY, FLORIDA**

<u>Amendment Number</u>	<u>Amendment</u>
04-02SS.1	Amendment from Office to Higher Intensity Planned Development

- (b) The associated rezoning request was completed by means of Ordinance Number 2002- .

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.
- (b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ORDINANCE 2002-

SEMINOLE COUNTY, FLORIDA

ENACTED this 23rd day of April 2002.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

ORDINANCE 2002-

SEMINOLE COUNTY, FLORIDA

APPENDIX "A"

SKETCH OF DESCRIPTION

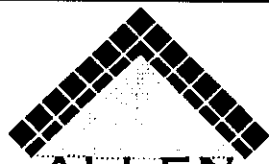
COMP PLAN AMENDMENT PARCEL

LEGAL DESCRIPTION:

A portion of land lying in Section 31, Township 21 South Range 31 East, Seminole County, Florida. Being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of aforesaid Section 31 thence run North 89°13'20" East along the South line of said Northwest 1/4 of Section 31 for a distance of 2057.61 feet to a point on the East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence departing said South line run North 00°57'36" West along said East line for a distance of 299.05 feet to the POINT OF BEGINNING; thence continuing along said East line run North 00°57'36" West for a distance of 1430.21 feet to a point on the Southerly right-of-way line of CSX Railroad thence departing said East line run North 73°43'27" East along said Southerly right-of-way line for a distance of 200.81 feet; thence departing said Southerly right-of-way line run South 00°56'10" East for a distance of 813.55 feet; thence run South 89°13'20" West for a distance of 173.34 feet thence run South 00°57'36" East for a distance of 670.32 feet; thence run South 89°13'57" West for a distance of 20.00 feet to aforesaid POINT OF BEGINNING.

Contains 3.803 acres, more or less.



**ALLEN
&
COMPANY**

Professional Surveyors & Mappers

16 East Plant Street
Winter Garden, Florida 34787 • (407) 654-5355

SURVEYOR'S NOTES:

THIS IS NOT A SURVEY.

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BEARINGS SHOWN HEREON ARE BASED ON SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 31-21-31 AS BEING AN ASSUMED BEARING OF N89°13'20"E.

JOB NO. 22033

DATE: 03-12-02

SCALE: 1" = 100 FEET

FIELD BY: N/A

CALCULATED BY: JLR

DRAWN BY: PJR

CHECKED BY: JLR

FOR THE LICENSED BUSINESS # 6723 BY:

JAMES L. RICKMAN P.S.M. # 5633

sk6

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PLANNED UNIT DEVELOPMENT (PUD) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners (BCC) hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Executive Summary for Mystic Cove Apartments" (file # Z2000-056; 04-02SS.2), dated April 23, 2002.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to Planned Unit Development (PUD):

SEE ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall take effect upon the date of recording of the Development Order # 0-21000013(A), in the Official Land Records in Seminole County.

ENACTED this 23rd day of April 2002.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

SKETCH OF DESCRIPTION

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Contains 3.803 acres, more or less.



**ALLEN
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16 East Plant Street
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JOB NO. 22033

DATE: 03-12-02

SCALE: 1" = 100 FEET

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CALCULATED BY: JLR

DRAWN BY: PJR

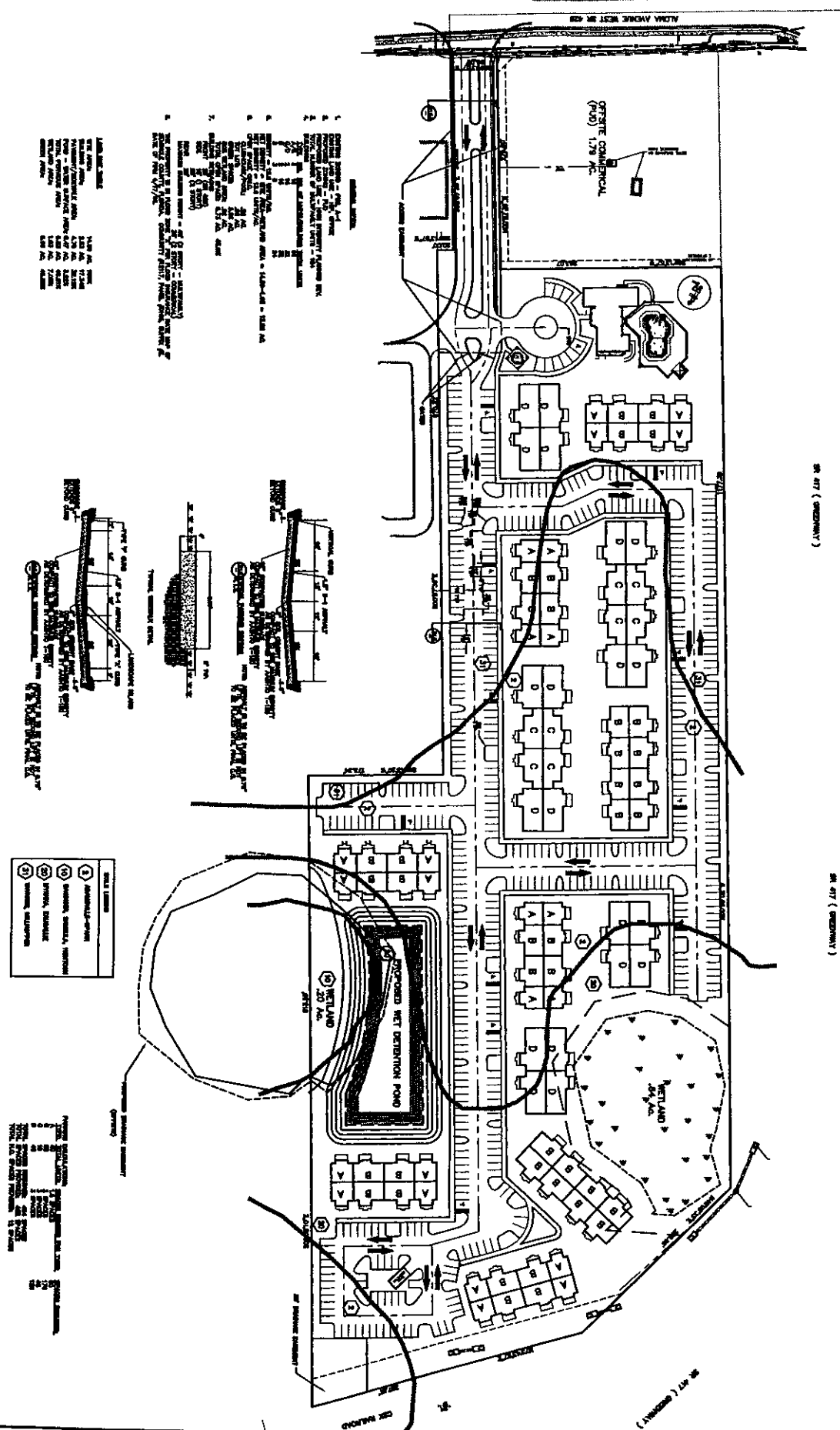
CHECKED BY: JLR

FOR THE LICENSED BUSINESS # 6723 BY:

JAMES L. RICKMAN P.S.M. # 5633

sk6

**EXHIBIT B
SITE PLAN**



201.517 (PRELIMINARY)

1. **STATION** - 1000 ft. above
2. **LOCATION** - 1000 ft. above
3. **DATE** - 10/10/1964
4. **TIME** - 10:00 AM
5. **WIND** - 1000 ft. above
6. **TEMP** - 1000 ft. above
7. **REL. HUM.** - 1000 ft. above
8. **WIND DIR.** - 1000 ft. above
9. **WIND SPC.** - 1000 ft. above
10. **WIND DIR.** - 1000 ft. above
11. **WIND SPC.** - 1000 ft. above
12. **WIND DIR.** - 1000 ft. above
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27. **WIND SPC.** - 1000 ft. above
28. **WIND DIR.** - 1000 ft. above
29. **WIND SPC.** - 1000 ft. above
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NAME	RELATIONSHIP	DATE OF BIRTH	DATE OF DEATH	PLACE OF BIRTH	PLACE OF DEATH
JOHN	SON	1910	1970	NEW YORK	NEW YORK
MARY	DAUGHTER	1915	1975	NEW YORK	NEW YORK
JOHN	SON	1920	1980	NEW YORK	NEW YORK
MARY	DAUGHTER	1925	1985	NEW YORK	NEW YORK
JOHN	SON	1930	1990	NEW YORK	NEW YORK
MARY	DAUGHTER	1935	1995	NEW YORK	NEW YORK
JOHN	SON	1940	2000	NEW YORK	NEW YORK
MARY	DAUGHTER	1945	2005	NEW YORK	NEW YORK
JOHN	SON	1950	2010	NEW YORK	NEW YORK
MARY	DAUGHTER	1955	2015	NEW YORK	NEW YORK
JOHN	SON	1960	2020	NEW YORK	NEW YORK
MARY	DAUGHTER	1965	2025	NEW YORK	NEW YORK
JOHN	SON	1970	2030	NEW YORK	NEW YORK
MARY	DAUGHTER	1975	2035	NEW YORK	NEW YORK
JOHN	SON	1980	2040	NEW YORK	NEW YORK
MARY	DAUGHTER	1985	2045	NEW YORK	NEW YORK
JOHN	SON	1990	2050	NEW YORK	NEW YORK
MARY	DAUGHTER	1995	2055	NEW YORK	NEW YORK
JOHN	SON	2000	2060	NEW YORK	NEW YORK
MARY	DAUGHTER	2005	2065	NEW YORK	NEW YORK
JOHN	SON	2010	2070	NEW YORK	NEW YORK
MARY	DAUGHTER	2015	2075	NEW YORK	NEW YORK
JOHN	SON	2020	2080	NEW YORK	NEW YORK
MARY	DAUGHTER	2025	2085	NEW YORK	NEW YORK
JOHN	SON	2030	2090	NEW YORK	NEW YORK
MARY	DAUGHTER	2035	2095	NEW YORK	NEW YORK
JOHN	SON	2040	2100	NEW YORK	NEW YORK
MARY	DAUGHTER	2045	2105	NEW YORK	NEW YORK
JOHN	SON	2050	2110	NEW YORK	NEW YORK
MARY	DAUGHTER	2055	2115	NEW YORK	NEW YORK
JOHN	SON	2060	2120	NEW YORK	NEW YORK
MARY	DAUGHTER	2065	2125	NEW YORK	NEW YORK
JOHN	SON	2070	2130	NEW YORK	NEW YORK
MARY	DAUGHTER	2075	2135	NEW YORK	NEW YORK
JOHN	SON	2080	2140	NEW YORK	NEW YORK
MARY	DAUGHTER	2085	2145	NEW YORK	NEW YORK
JOHN	SON	2090	2150	NEW YORK	NEW YORK
MARY	DAUGHTER	2095	2155	NEW YORK	NEW YORK
JOHN	SON	2100	2160	NEW YORK	NEW YORK
MARY	DAUGHTER	2105	2165	NEW YORK	NEW YORK
JOHN	SON	2110	2170	NEW YORK	NEW YORK
MARY	DAUGHTER	2115	2175	NEW YORK	NEW YORK
JOHN	SON	2120	2180	NEW YORK	NEW YORK
MARY	DAUGHTER	2125	2185	NEW YORK	NEW YORK
JOHN	SON	2130	2190	NEW YORK	NEW YORK
MARY	DAUGHTER	2135	2195	NEW YORK	NEW YORK
JOHN	SON	2140	2200	NEW YORK	NEW YORK
MARY	DAUGHTER	2145	2205	NEW YORK	NEW YORK
JOHN	SON	2150	2210	NEW YORK	NEW YORK
MARY	DAUGHTER	2155	2215	NEW YORK	NEW YORK
JOHN	SON	2160	2220	NEW YORK	NEW YORK
MARY	DAUGHTER	2165	2225	NEW YORK	NEW YORK
JOHN	SON	2170	2230	NEW YORK	NEW YORK
MARY	DAUGHTER	2175	2235	NEW YORK	NEW YORK
JOHN	SON	2180	2240	NEW YORK	NEW YORK
MARY	DAUGHTER	2185	2245	NEW YORK	NEW YORK
JOHN	SON	2190	2250	NEW YORK	NEW YORK
MARY	DAUGHTER	2195	2255	NEW YORK	NEW YORK
JOHN	SON	2200	2260	NEW YORK	NEW YORK
MARY	DAUGHTER	2205	2265	NEW YORK	NEW YORK
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MARY	DAUGHTER	2215	2275	NEW YORK	NEW YORK
JOHN	SON	2220	2280	NEW YORK	NEW YORK
MARY	DAUGHTER	2225	2285	NEW YORK	NEW YORK
JOHN	SON	2230	2290	NEW YORK	NEW YORK
MARY	DAUGHTER	2235	2295	NEW YORK	NEW YORK
JOHN	SON	2240	2300	NEW YORK	NEW YORK
MARY	DAUGHTER	2245	2305	NEW YORK	NEW YORK
JOHN	SON	2250	2310		

ST-1	JOB NO. 3124 DATE 1/1/82 DRAWN BY WJ CHECKED BY WJ DESIGNED BY WJ REVISION BY WJ	DATE 1/1/82 REVISIONS	ENGINEER IN CHARGE: DAVID F. GLUNT P.E. 687429 <small>CERTIFICATE OF AUTHORIZATION NO. 22-000773</small>	CLIENT FOX CHASE PARTNERS, LTD. 2800 SANDPAPER RD. SARTLAND, FL 32781 (407) 744-8000	SITE PLAN FOR MYSTIC COVE APARTMENTS SEMINOLE COUNTY FLORIDA	MADDEN CIVIL ENGINEERS 4011 W. US HWY. 90 SUITE 200 TAMPA, FL 33611 (813) 282-3377



<div style="border: 1px solid black; padding: 2px; width: 30px; margin: 0 auto;">ST-1</div>	JOB # _____ DATE _____ CITY _____ STATE _____ COUNTY _____ PROJECT _____ DRAWING NO. _____ SHEET NO. _____	DATE _____ REVISIONS _____	ENGINEER IN CHARGE: <div style="border: 1px solid black; padding: 5px; text-align: center;"> DAVID F. GLINT P.E. 927-629 <small>CERTIFICATE OF AUTHORIZATION NO. 00-000725</small> </div>	CLIENT: FOX CHASE PARTNERS, LTD. 1285 SANDPARK RD. NAPLES, FL 34109 (407) 744-8000	UTILITY PLAN FOR MYSTIC COVE APARTMENTS SEMINOLE COUNTY FLORIDA	MADDEN CIVIL ENGINEERS 429 E. Mainway Avenue Naples, FL 34102 (407) 486-0250
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Developer's Commitment Agreement

MYSTIC COVE APARTMENTS

PLANNED UNIT DEVELOPMENT Developer's Commitment Agreement Commitments, Classifications and District Description

On April 23, 2002, Seminole County issued Development Order #0-21000013(A), relating to and touching and concerning the following described property:

I. LEGAL DESCRIPTION

Legal description is attached as Exhibit "A".

II. PROPERTY OWNER

Fox Chase Partners, Ltd. – 1551 Sandspur Road, Maitland, Florida 32751.
Brantley Clayton – 611 Wymore Road, Winter Park, Florida 32789
(hereinafter referred to as the "Owners").

III. STATEMENT OF BASIC FACTS

- | | |
|---|---|
| A. Total Area: | 16.37 Acres |
| B. Zoning: | Planned Unit Development |
| C. Density of Development Area: | 20 dwelling units per net
Buildable acre or
199 dwelling units
maximum |
| D. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances. | |
| E. The Owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow, and perpetually burden the aforescribed property. | |

IV. TRACTING PLAN – LAND USE BREAKDOWN

<u>TRACT NAME</u>		<u>MAX. NUMBER OF DWELLING UNITS</u>	<u>GROSS AREA</u>
A	NET DEVELOPMENT AREA MULTI-FAMILY RESIDENTIAL	199 units	14.59 AC
B	COMMERCIAL/MULTI-FAMILY		1.787 AC
TOTAL:		199 units	16.37 AC

V. OPEN SPACE CALCULATIONS

Open space shall be provided at an overall rate of 25%, or a minimum of 6.73 acres throughout the entire PUD. Open space (as listed below) is achieved through active recreation, passive recreation, and other green space in the PUD, subject to approval by the Planning Manager during final site plan approval.

Maintenance of the open space shall be funded by the property owner.

Total Land Area: 16.37 acres

Required Open Space: 25% = 16.37 acres x 0.25 = 4.09 acres open space

TOTAL OPEN SPACE PROVIDED.....6.73 acres

VI. BUILDING SETBACKS

Front25' (SR 426)
 Side..... 15' (1 story)
 25' (2 story)
 Rear25'
 Maximum Building Height 35' - 2-story

VII. PERMITTED USES

Tract A: Multi-family and all those uses permitted within the R-4 zoning district, including Schools, Churches, Adult Living Facilities, Hospitals, and Nursing Homes.

Tract B: Commercial Uses, C-1 zoning district, including hotels, motels, minor auto/truck repair limited to non-commercial/passenger type trucks, auto/truck/trailer renting limited to non-commercial/passenger type trucks, personal self-storage, vehicle oil lubrication shops, convenience stores with gas pumps as an accessory use, car washes, private schools and colleges.

VIII. LANDSCAPE & BUFFER CRITERIA

1. Landscape materials type and size shall conform to Seminole County Land Development Code specifications.

IX. DEVELOPMENT COMMITMENTS

The following conditions shall be met by the Owner at the time of issuance of permits including impact fee ordinances:

1. The entire development shall connect to Seminole County water and sewer services.
2. Permitted uses for the subject property shall include, unless otherwise noted, all those uses permitted and conditional uses in the C-1 zoning district, including hotels, motels, minor auto/truck repair limited to non-commercial/passenger type trucks, auto/truck/trailer renting limited to non-commercial/passenger type trucks, personal self-storage, vehicle oil lubrication shops, convenience stores with gas pumps as an accessory use, car washes, and private schools and colleges, as well as the permitted uses in the R-4 zoning district, including elementary schools, churches, assisted living facilities, hospitals, nursing homes, and multi-family excluding student housing. Any alcoholic beverage establishments shall require a special exception.
3. Open space shall be developed in accordance with the Land Development Code and designed and designated to allow common access to all tracts.
4. All improvements in the open space areas, i.e., retention, shall be designed and landscaped as an amenity.
5. Any pedestrian access to the Cross Seminole Trail shall be reviewed and approved by the Florida Department of Environmental Protection's Office of Greenways and Trails.
6. If a personal mini-storage facility develops on site only dry storage shall be permitted. No retail or commercial activities shall be permitted within the storage facility.
7. No open storage for the personal mini-storage facility shall be permitted.

8. If developed as a personal mini-storage facility, the height of the structure shall be limited to one story and the exterior shall be painted in muted colors, such as gray decorative split face block with blue or red trims. No vibrant colors shall be permitted.
9. If developed as a personal mini-storage facility, the facility shall provide a 24 hour secured entry.
10. All outdoor lighting shall be a maximum of twenty (20) feet in height, shall utilize cut-off fixtures.
11. Cross access easements shall be provided to the internal tracts and to the property to the east.
12. Prior to final site plan/engineering approval, a full concurrency review will have to be conducted.
13. No adult entertainment establishments.
14. The 3.8 acres incorporated into the PUD (small scale land use amendment #04-02SS.2) shall not have a density greater than 9.9 units/acre.

X. PUBLIC FACILITIES

The Owner has submitted the property for a concurrency review. Among the conditions relating to concurrency public facilities are the following:

WATER:

Water service shall be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection standards.

SANITARY SEWER:

Central sanitary sewer to be provided by Seminole County. Design of lines and pump stations shall conform to all Seminole County and Department of Environmental Protection standards.

STORM DRAINAGE:

Storm water drainage shall be designed in accordance with Seminole County and St. Johns River Water Management District standards.

FIRE PROTECTION:

Fire protection provided on site shall comply with the Seminole County adopted Fire Protection Standards.

XI. STANDARD COMMITMENTS

1. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinance, including the impact fee ordinance, in effect in Seminole County at the time of permit issuance.
2. When the term "Developer" is used herein, the same shall be taken or construed to mean **Sandspur Housing Partners, Ltd.** All obligations, liabilities, and responsibilities incurred by or implied by the Developer by this Agreement shall be assumed by any successors in interest of the Planned Unit Development.
3. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owner of the property.
4. This development order touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the development order shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owner of said property has expressly covenanted and agreed to this provision and all other terms and provisions of the Development Order.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

By: _____
Donald S. Fisher,
Planning and Development Director

OWNER'S CONSENT AND COVENANT

COMES NOW, the Owner, Brantly W. Clayton., on behalf of himself and his heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:**OWNER/DEVELOPER:**

WITNESS
(Sign and Print Name)

By: _____
Brantly W. Clayton, Owner

WITNESS
(Sign and Print Name)

STATE OF FLORIDA }
COUNTY OF _____}

The foregoing instrument was acknowledged and executed before me this _____ day of _____, 2002, by Brantly W. Clayton, who is personally known to me or who produced his Florida Driver's License as identification.

Notary Public
Print Name: _____
My Commission Expires _____
Commission No. _____

OWNER'S CONSENT AND COVENANT

COMES NOW, the Owner/Developer, Jay P. Brock., on behalf of himself and his heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:**OWNER/DEVELOPER:**

Fox Chase Partners, Ltd., a FL limited partnership of CED Capital Holdings 2002 J, L.L.C. a FL limited liability company, its general partner

WITNESS
(Sign and Print Name)

By: _____
Jay P. Brock, Manager

WITNESS
(Sign and Print Name)

STATE OF FLORIDA }
COUNTY OF _____}

The foregoing instrument was acknowledged and executed before me this _____ day of _____, 2002, by Jay P. Brock, Manager of CED Capital Holdings 2002 J, L.L.C., a FL limited liability company, who is personally known to me or who produced his Florida Driver's License as identification.

Notary Public
Print Name: _____
My Commission Expires _____
Commission No. _____

EXHIBIT "A"
LEGAL DESCRIPTION

Mystic Cove Parcel (Parcel 'A'):

A portion of land lying in Section 31, Township 21 South Range 31 East, Seminole County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of aforesaid Section 31 thence run North 89°13'20" East along the South line of said Northwest 1/4 of Section 31 for a distance of 2057.61 feet to a point on the East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence departing said South line run North 00°57'36" West along said East line for a distance of 49.05 feet to a point on the Northerly right-of-way line of Aloma Avenue West (SR 426), also being the POINT OF BEGINNING; thence departing said East line run South 89°13'57" West along said Northerly right-of-way line for a distance of 60.00 feet to a point on a line parallel to and 60.00 feet West of aforesaid East line; thence departing said Northerly right-of-way line run North 00°57'36" West along said parallel line for a distance of 275.00 feet to a point; thence departing said parallel line run South 89°13'57" West for a distance of 283.07 feet to a point on the West line of the East « of the West 1/2 of the East 1/2 of aforesaid Northwest 1/4 of Section 31, also being the Easterly and Southerly right-of-way line of SR 417 (Greenway); thence run North 00°59'02" West along said West line also being said Easterly and Southerly right-of-way line, for a distance of 1177.39 feet; thence departing said West line continue along said Easterly and Southerly right-of-way line, North 45°05'33" East for a distance of 266.86 feet to a point on the Southerly right-of-way line of CSX Railroad; thence departing said Easterly and Southerly right-of-way line run North 73°43'27" East along said Southerly right-of-way line for a distance of 357.81 feet; thence departing said Southerly right-of-way line run South 00°56'10" East for a distance of 813.55 feet; thence run South 89°13'20" West for a distance of 173.34 feet; thence run South 00°57'36" East for a distance of 670.32 feet; thence run South 89°13'57" West for a distance of 20.00 feet to a point on aforesaid East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence run South 00°57'36" East along said East line for a distance of 250.00 feet to aforesaid POINT OF BEGINNING.

Contains 14.590 acres, more or less.

Contains 13.755 upland acres, more or less.

AND

Exhibit "A" cont.

Commercial Parcel (Parcel 'B'):

A portion of land lying in Section 31, Township 21 South Range 31 East, Seminole County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of aforesaid Section 31 thence run North 89°13'20" East along the South line of said Northwest 1/4 of Section 31 for a distance of 2057.61 feet to a point on the East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence departing said South line run North 00°57'36" West along said East line for a distance of 49.05 feet to a point on the Northerly right-of-way line of Aloma Avenue West (SR 46); thence departing said East line run South 89°13'57" West along said Northerly right-of-way line for a distance of 60.00 feet to a point on a line parallel to and 60.00 feet West of aforesaid East line also being the POINT OF BEGINNING; thence continuing along said Northerly right-of-way line run South 89°13'57" West for a distance of 282.95 feet to a point on the Easterly right-of-way line of S R 417 (Greenway) also being a point on the West line of the East 1/2 of the West 1/2 of the East 1/2 of aforesaid Northwest 1/4 of Section 31; thence departing said Northerly right-of-way line run North 00°59'02" West along said Easterly right-of-way and said West line for a distance of 275.00 feet; thence departing said Easterly right-of-way line and said West line run North 89°13'57" East for a distance of 283.07 feet to a point on aforesaid parallel line; thence run South 00°57'36" East along said parallel line for a distance of 275.00 feet to aforesaid POINT OF BEGINNING.

Contains 1.787 acres, more or less.

EXHIBIT "B"
SITE PLAN

MYSTIC COVE APARTMENTS

FOR

1551 SANDSPUR RD.

MATLAND, FL. 32751

PH (407) 741-8500

INDEX OF SHEETS

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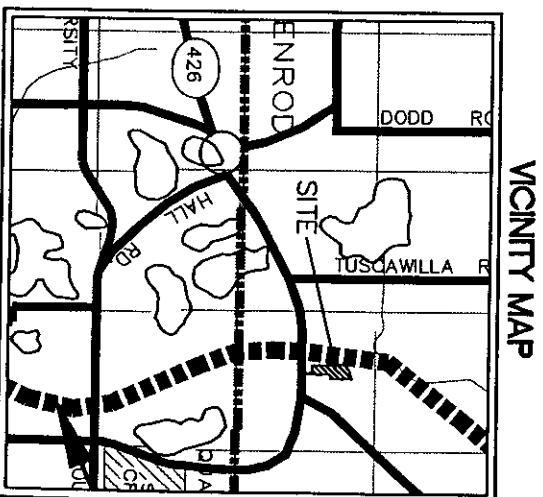
MADDEN
engineering, inc.
CIVIL ENGINEERS

431 E. HORATIO AVENUE, SUITE 260

MAITLAND, FLORIDA 32751

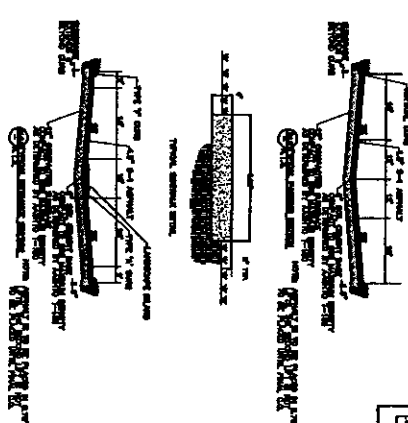
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FAX (407) 629-8336

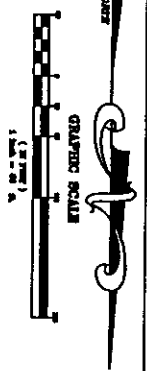


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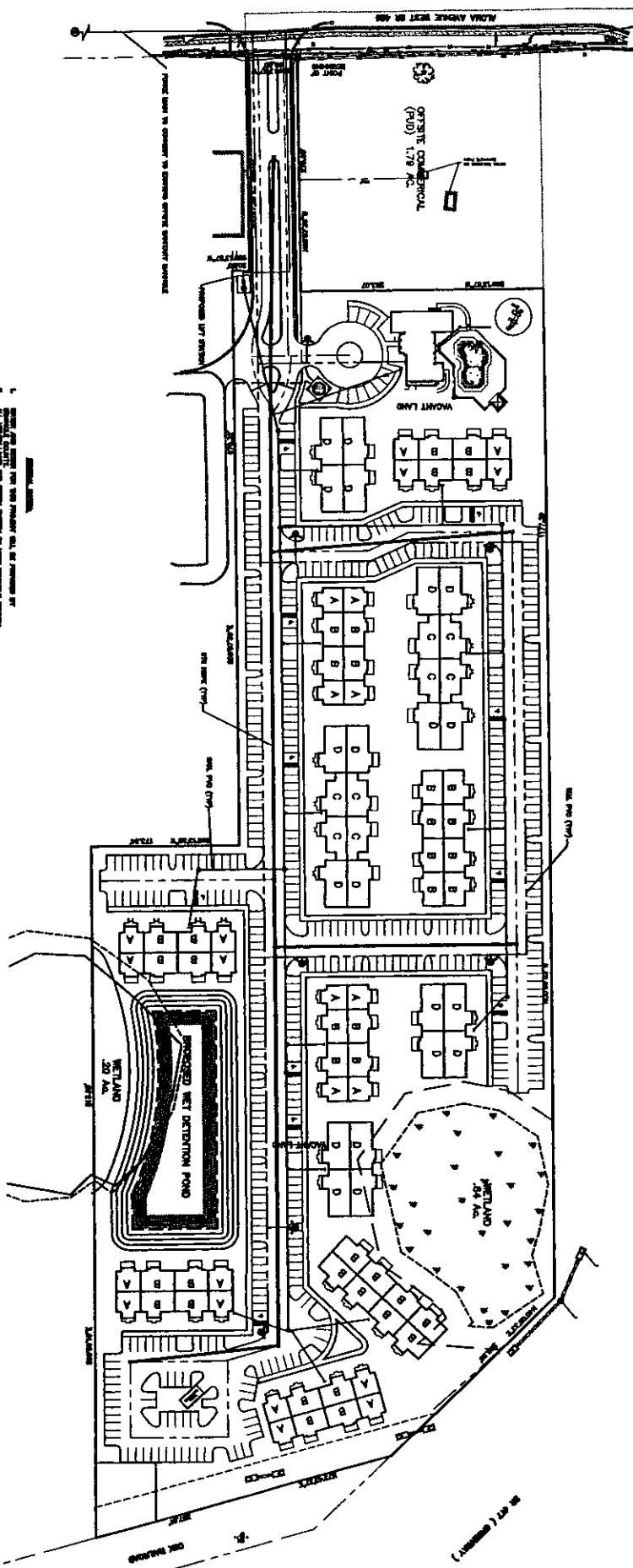
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SEE 417 (REVISION)

SEE 417 (REVISION)

ST-1	DATE: 11/11/03 DRAWN BY: J. L. LEE CHECKED BY: J. L. LEE APPROVED BY: J. L. LEE	ENGINEER IN CHARGE: DAVID F. GLUNT, P.E. 057479 CERTIFICATE OF APPROVATION NO. 05-000123	CLIENT: FOX CHASE PARTNERS, LTD. 100 MARSHALL RD. BAYLAND, FL 32701 (407) 741-8500	SITE PLAN FOR MYSTIC COVE APARTMENTS SMOULDER COUNTY FLORIDA	MADDEN CIVIL ENGINEERS 431 E. HIGHLAND AVENUE TAMPA, FL 33606 (813) 281-4333
	REVISIONS: 1. 11/11/03 2. 11/11/03 3. 11/11/03 4. 11/11/03 5. 11/11/03 6. 11/11/03 7. 11/11/03 8. 11/11/03 9. 11/11/03 10. 11/11/03 11. 11/11/03 12. 11/11/03 13. 11/11/03 14. 11/11/03 15. 11/11/03 16. 11/11/03 17. 11/11/03 18. 11/11/03 19. 11/11/03 20. 11/11/03 21. 11/11/03 22. 11/11/03 23. 11/11/03 24. 11/11/03 25. 11/11/03 26. 11/11/03 27. 11/11/03 28. 11/11/03 29. 11/11/03 30. 11/11/03 31. 11/11/03 32. 11/11/03 33. 11/11/03 34. 11/11/03 35. 11/11/03 36. 11/11/03 37. 11/11/03 38. 11/11/03 39. 11/11/03 40. 11/11/03 41. 11/11/03 42. 11/11/03 43. 11/11/03 44. 11/11/03 45. 11/11/03 46. 11/11/03 47. 11/11/03 48. 11/11/03 49. 11/11/03 50. 11/11/03 51. 11/11/03 52. 11/11/03 53. 11/11/03 54. 11/11/03 55. 11/11/03 56. 11/11/03 57. 11/11/03 58. 11/11/03 59. 11/11/03 60. 11/11/03 61. 11/11/03 62. 11/11/03 63. 11/11/03 64. 11/11/03 65. 11/11/03 66. 11/11/03 67. 11/11/03 68. 11/11/03 69. 11/11/03 70. 11/11/03 71. 11/11/03 72. 11/11/03 73. 11/11/03 74. 11/11/03 75. 11/11/03 76. 11/11/03 77. 11/11/03 78. 11/11/03 79. 11/11/03 80. 11/11/03 81. 11/11/03 82. 11/11/03 83. 11/11/03 84. 11/11/03 85. 11/11/03 86. 11/11/03 87. 11/11/03 88. 11/11/03 89. 11/11/03 90. 11/11/03 91. 11/11/03 92. 11/11/03 93. 11/11/03 94. 11/11/03 95. 11/11/03 96. 11/11/03 97. 11/11/03 98. 11/11/03 99. 11/11/03 100. 11/11/03				



ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITIES SHOWN AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE RECORD DRAWINGS AND FIELD SURVEY. THE ENGINEER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS OF THE UTILITIES SHOWN AND HAS NOT OBSERVED ANY OTHER UTILITIES. THE ENGINEER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS OF THE UTILITIES SHOWN AND HAS NOT OBSERVED ANY OTHER UTILITIES. THE ENGINEER HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS OF THE UTILITIES SHOWN AND HAS NOT OBSERVED ANY OTHER UTILITIES.



UT-1	DATE: 1/1/82 SCALE: 1"=20' DESIGNED BY: JES DRAWN BY: JES CHECKED BY: JES	ENGINEER IN CHARGE: DAVID F. GRANT, P.E. 057459 CERTIFICATE OF REGISTRATION NO. 05-007223	CLIENT: FOX CHASE PARTNERS, LTD. 1200 SHAGBARK RD. MIAMI, FL 33176 (407) 741-0000	UTILITY PLAN FOR MYSTIC COVE APARTMENTS SEMINOLE COUNTY, FLORIDA	MADDEN CIVIL ENGINEERS 201 E. BAYVIEW AVE. MIAMI, FL 33139 (407) 366-1370
	DATE: _____ REVISIONS: _____				

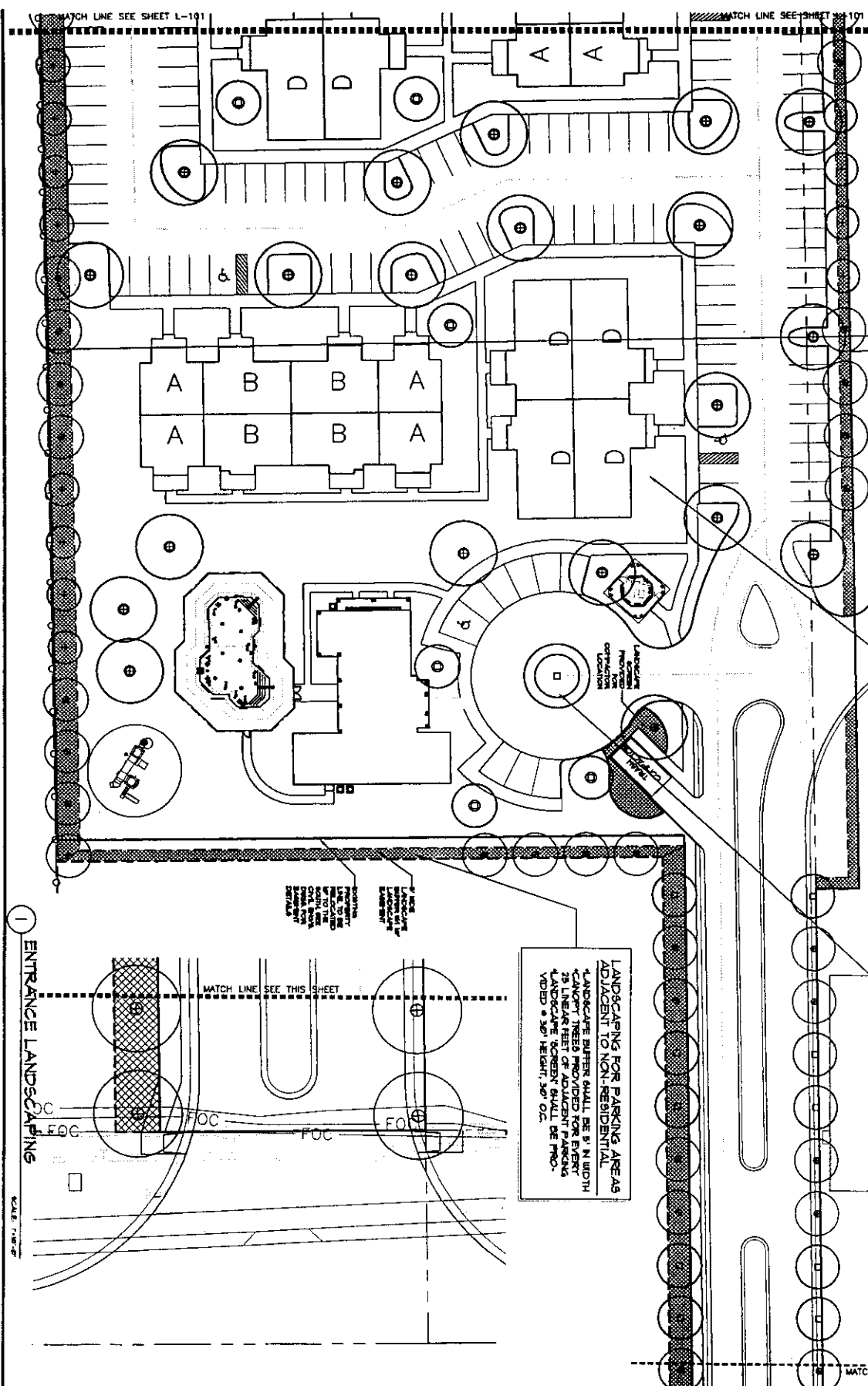
LANDSCAPING REQ. ADJACENT TO RIGHT OF WAY'S
 *LANDSCAPE BUFFER SHALL BE 30' IN WIDTH
 *10 CANOPY TREES PROVIDED FOR EVERY 100 LINEAR FEET OF FRONTAGE
 *LANDSCAPE SCREEN SHALL BE PROVIDED & 30' HEIGHT, 30' O.C.

LANDSCAPING FOR PARKING AREAS ADJACENT TO NON-RESIDENTIAL
 *LANDSCAPE BUFFER SHALL BE 3' IN WIDTH
 *CANOPY TREES PROVIDED FOR EVERY 25 LINEAR FEET OF ADJACENT PARKING
 *LANDSCAPE SCREEN SHALL BE PROVIDED & 30' HEIGHT, 30' O.C.

REQUIRED LANDSCAPING BETWEEN BUILDINGS & PARKING
 *LANDSCAPE BUFFER SHALL BE AT LEAST (8') IN WIDTH
 *BASED ON 1984 SERRAPIO COUNTY CODE SECTION 902.09(B).

INTERNAL LANDSCAPING
 *10 CANOPY TREES SHALL BE PROVIDED FOR EVERY (700) SQUARE FEET OF REQUIRED LANDSCAPING

LANDSCAPING FOR PARKING AREAS ADJACENT TO NON-RESIDENTIAL
 *LANDSCAPE BUFFER SHALL BE 3' IN WIDTH
 *CANOPY TREES PROVIDED FOR EVERY 25 LINEAR FEET OF ADJACENT PARKING
 *LANDSCAPE SCREEN SHALL BE PROVIDED & 30' HEIGHT, 30' O.C.





LANDSCAPING REQ. ADJACENT TO RIGHT OF WAY'S

800.57,36"E

58913'20"W

**FOSTER
CONANT
& ASSOCIATES**

235 Third Avenue, Suite
2000, New York, NY 10017
Phone (212) 692-6365
Fax (212) 692-6275

**MYSTIC COVE
APARTMENTS**

315.02
 P-28
 PER case 87
 100-1-100-100
 100

Labels - Labels for Country

FR-990

1. **Country** _____

2. **City** _____

3. **State** _____

4. **Zip** _____

5. **Phone** _____

6. **Fax** _____

7. **E-mail** _____

8. **Website** _____

9. **Other** _____

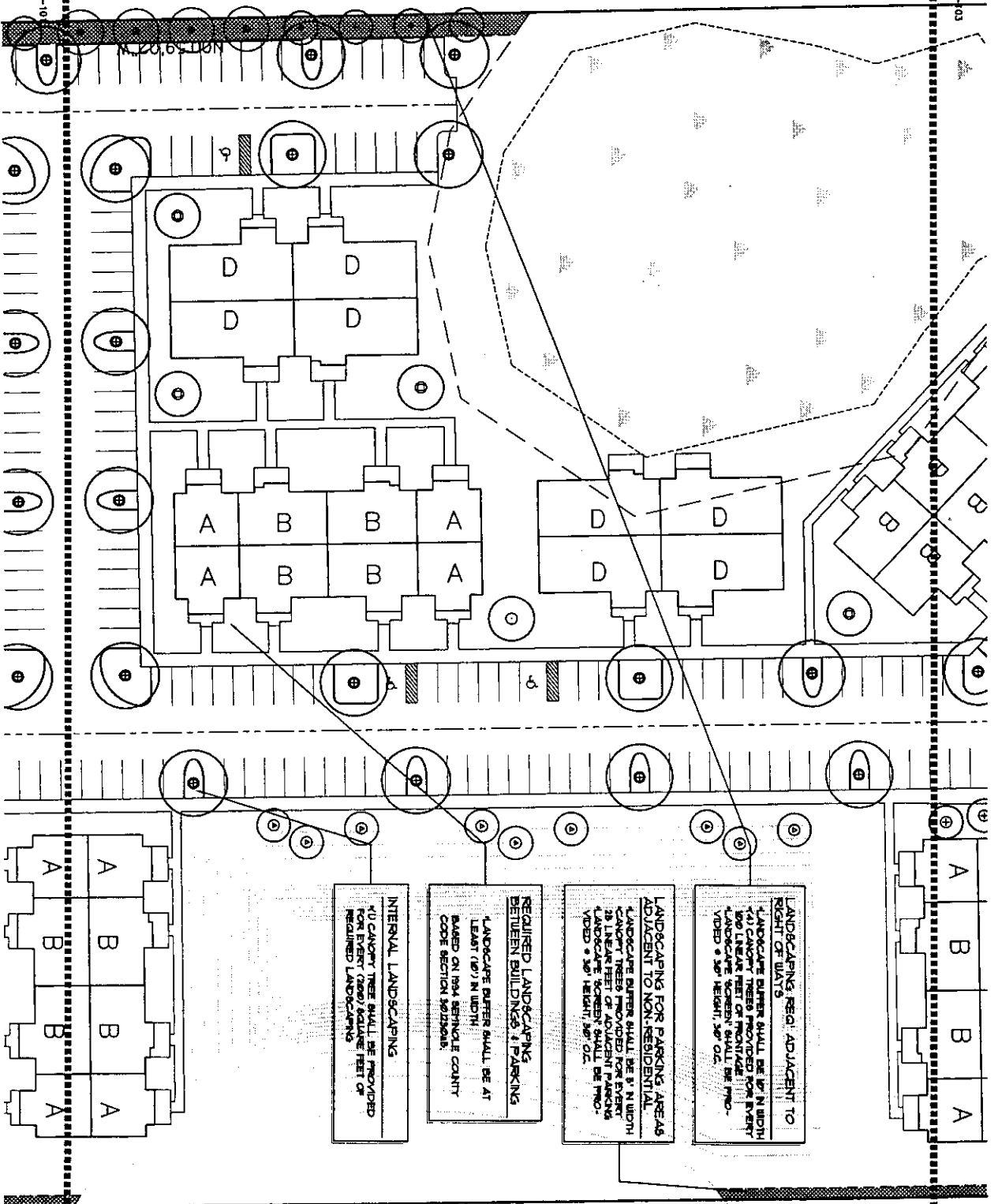
10. **Comments** _____

11. **Signature** _____

12. **Date** _____

WATCH LINE SEE SHEET L-103

WATCH LINE SEE SHEET L-101



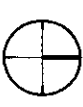
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FOSTER CONANT & ASSOCIATES
 301 The Parkway
 Chicago, Illinois 60607
 Tel: 312.321.1000
 Fax: 312.321.1001

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BY	11/11/01
REVISION	11/11/01
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SENeca COUNTY, IL
 LANDSCAPE PLAN

DATE	11/11/01
BY	11/11/01
REVISION	11/11/01
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L-102

LANDSCAPING FOR PARKING AREAS ADJACENT TO NON-RESIDENTIAL

LANDSCAPE BUFFER SHALL BE 8' IN WIDTH
 CANOPY TREES PROVIDED FOR EVERY 250 SQUARE FEET OF LANDSCAPED AREA
 LANDSCAPE SCREEN SHALL BE PROVIDED • 30' HEIGHT, 30' O.C.

INTERNAL LANDSCAPING

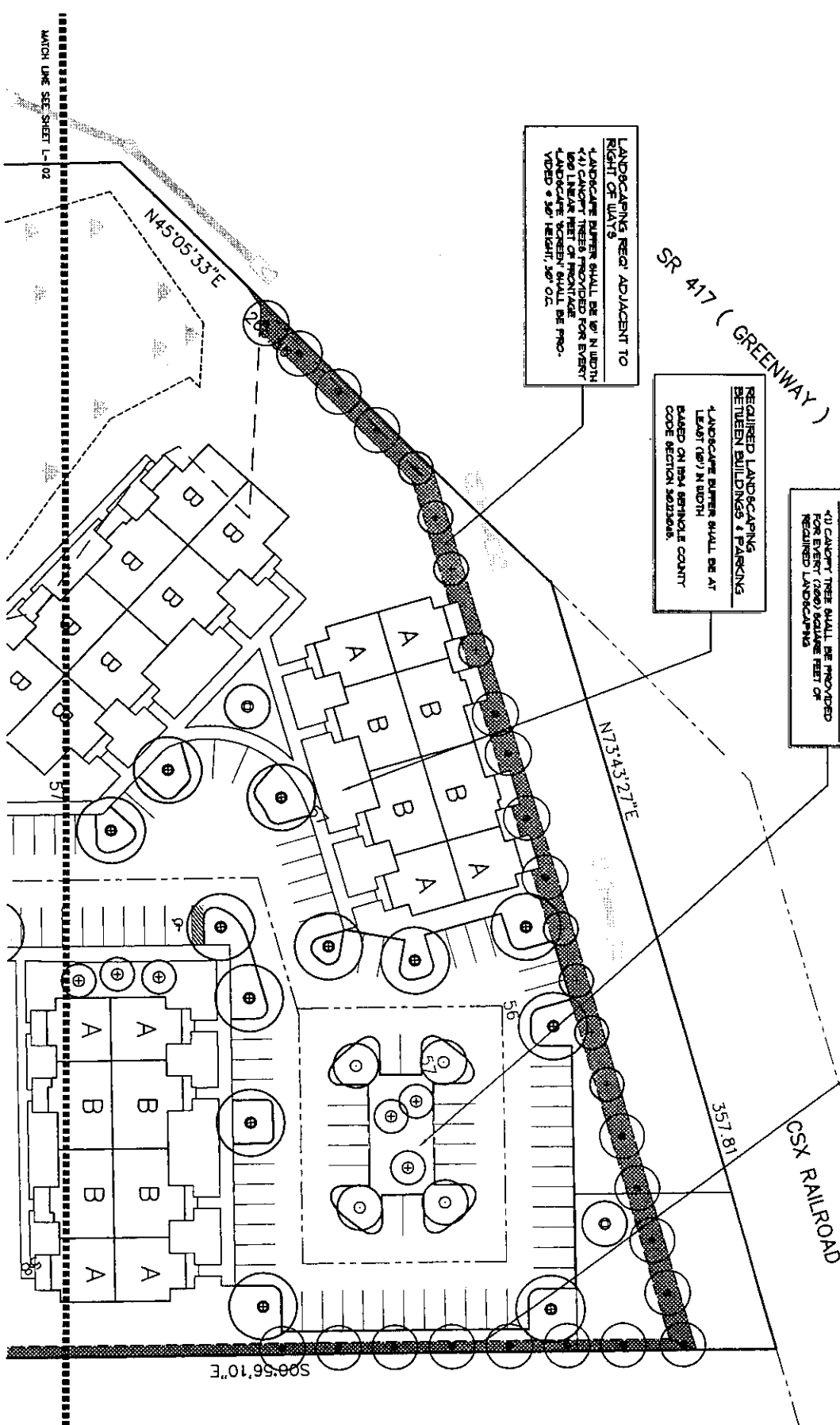
40 CANOPY TREES SHALL BE PROVIDED FOR EVERY 1000 SQUARE FEET OF REQUIRED LANDSCAPING

REQUIRED LANDSCAPING BETWEEN BUILDINGS & PARKING

LANDSCAPE BUFFER SHALL BE AT LEAST 100' IN WIDTH
 BASED ON 1994 SPRING COUNTY CODE SECTION 802.0806.

LANDSCAPING REQ' ADJACENT TO RIGHT OF WAY

LANDSCAPE BUFFER SHALL BE 10' IN WIDTH
 40 CANOPY TREES PROVIDED FOR EVERY 100 LINEAR FEET OF FRONTAGE
 LANDSCAPE SCREEN SHALL BE PROVIDED • 30' HEIGHT, 30' O.C.



SR 411

CSX RAILROAD

357.81

N73.43°27"E

S00°56'10"E

MATCH LINE SEE SHEET L-102

FOSTER CONANT & ASSOCIATES

200 West Jefferson Ave
 Chicago, Illinois 60610
 Tel: 312.329.3300
 Fax: 312.329.3301

DATE	1/11/07
BY	DAVID L. HARRIS
CHECKED	DAVID L. HARRIS
SCALE	AS SHOWN
PROJECT	1000 S. 10TH ST. CHICAGO, IL
OWNER	1000 S. 10TH ST. CHICAGO, IL

LANDSCAPE PLAN

SPRING COUNTY, IL

LANDSCAPE PLAN

DATE: 1/11/07
 BY: DAVID L. HARRIS
 CHECKED: DAVID L. HARRIS
 SCALE: AS SHOWN
 PROJECT: 1000 S. 10TH ST. CHICAGO, IL
 OWNER: 1000 S. 10TH ST. CHICAGO, IL

L-103

Development Order

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

*(This Development Order supercedes the approved
Development Order # 0-21000013, dated December 12, 2000,
formerly known as O. G. Commercial PUD)*

On April 23, 2002, Seminole County issued this Development Order relating to
and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the
owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: Brantly W. Clayton, 5350 Diplomat Circle, Orlando, Florida 32810
and
St. Alban's Church, Inc., 3348 West SR 426, Oviedo, Florida 32765
and
Charlotte Wilson, 2600 Wrights Road, Oviedo, Florida 32765

Project Name: Mystic Cove Apartments PUD

Requested Development Approval: Rezoning from Planned Unit Development (PUD)
and A-1 (Agriculture) zoning classifications to Planned
Unit Development (PUD) zoning classification

The Development Approval sought is consistent with the Seminole County
Comprehensive Plan and will be developed consistent with and in compliance to
applicable land development regulations and all other applicable regulations and
ordinances.

The owner of the property has expressly agreed to be bound by and subject to
the development conditions and commitments stated below and has covenanted and

Prepared by: AMANDA SMITH
1101 East First Street
Sanford, Florida 32771

agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. Connect to Seminole County water and sewer services.
 - b. Permitted uses for the subject property shall include, unless otherwise noted, all those uses permitted and conditional uses in the C-1 zoning district, including hotels, motels, minor auto/truck repair limited to non-commercial/passenger type trucks, auto/truck/trailer renting limited to non-commercial/passenger type trucks, personal self-storage, vehicle oil lubrication shops, convenience stores with gas pumps as an accessory use, car washes, and private schools and colleges, as well as the permitted uses in the R-4 zoning district, including elementary schools, churches, assisted living facilities, hospitals, nursing homes, and multi-family excluding student housing. Any alcoholic beverage establishments shall require a special exception.
 - c. Open space shall be developed in accordance with the Land Development Code and designed and designated to allow common access to all tracts.
 - d. All improvements in the open space areas, i.e., retention, shall be designed and landscaped as an amenity.
 - e. All truck repair and rental shall be limited to non-commercial/passenger type trucks.
 - f. Any pedestrian access to the Cross Seminole Trail shall be reviewed and approved by the Florida Department of Environmental Protection's Office of Greenways and Trails.

- g. If a personal mini-storage facility develops on site only dry storage shall be permitted. No retail or commercial activities shall be permitted within the storage facility.
- h. No open storage for the personal mini-storage facility shall be permitted.
- i. If developed as a personal mini-storage facility, the height of the structure shall be limited to one story and the exterior shall be painted in muted colors, such as gray decorative split face block with blue or red trims. No vibrant colors shall be permitted.
- j. If developed as a personal mini-storage facility, the facility shall provide a 24 hour secured entry.
- k. All outdoor lighting shall be a maximum of twenty (20) feet in height, shall utilize cut-off fixtures.
- l. Cross access easements shall be provided to the internal tracts and to the property to the east.
- m. Prior to final site plan/engineering approval, a full concurrency review will have to be conducted.
- n. No adult entertainment establishments.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Donald S. Fisher
Planning and Development Director

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Charlotte Wilson, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Charlotte Wilson,
Property Owner

Witness

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Charlotte Wilson, who is personally known to me or who has produced _____ as identification and who did execute the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Brantly W. Clayton, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

BRANTLY W. CLAYTON,
Property Owner

Witness

STATE OF FLORIDA)
)
COUNTY OF SEMINOLE)

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Brantly W. Clayton, who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, _____ the _____ of St. Alban's Church, Inc., on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Name and Title
St. Alban's Church, Inc.
Property Owner

Witness

[illegible]

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ c/o St. Alban's Church, who is personally known to me or who has produced _____ as identification and who did execute the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION
(Entire PUD project boundaries)

Mystic Cove Parcel (Parcel 'A'):

A portion of land lying in Section 31, Township 21 South Range 31 East, Seminole County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of aforesaid Section 31 thence run North 89°13'20" East along the South line of said Northwest 1/4 of Section 31 for a distance of 2057.61 feet to a point on the East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence departing said South line run North 00°57'36" West along said East line for a distance of 49.05 feet to a point on the Northerly right-of-way line of Aloma Avenue West (SR 426), also being the POINT OF BEGINNING; thence departing said East line run South 89°13'57" West along said Northerly right-of-way line for a distance of 60.00 feet to a point on a line parallel to and 60.00 feet West of aforesaid East line; thence departing said Northerly right-of-way line run North 00°57'36" West along said parallel line for a distance of 275.00 feet to a point; thence departing said parallel line run South 89°13'57" West for a distance of 283.07 feet to a point on the West line of the East « of the West 1/2 of the East 1/2 of aforesaid Northwest 1/4 of Section 31, also being the Easterly and Southerly right-of-way line of SR 417 (Greenway); thence run North 00°59'02" West along said West line also being said Easterly and Southerly right-of-way line, for a distance of 1177.39 feet; thence departing said West line continue along said Easterly and Southerly right-of-way line, North 45°05'33" East for a distance of 266.86 feet to a point on the Southerly right-of-way line of CSX Railroad; thence departing said Easterly and Southerly right-of-way line run North 73°43'27" East along said Southerly right-of-way line for a distance of 357.81 feet; thence departing said Southerly right-of-way line run South 00°56'10" East for a distance of 813.55 feet; thence run South 89°13'20" West for a distance of 173.34 feet; thence run South 00°57'36" East for a distance of 670.32 feet; thence run South 89°13'57" West for a distance of 20.00 feet to a point on aforesaid East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence run South 00°57'36" East along said East line for a distance of 250.00 feet to aforesaid POINT OF BEGINNING.

Contains 14.590 acres, more or less.

Contains 13.755 upland acres, more or less.

AND

Exhibit "A" cont.

Commercial Parcel (Parcel "B"):

A portion of land lying in Section 31, Township 21 South Range 31 East, Seminole County, Florida.

Being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of aforesaid Section 31 thence run North 89°13'20" East along the South line of said Northwest 1/4 of Section 31 for a distance of 2057.61 feet to a point on the East line of the West 1/2 of the East 1/2 of said Northwest 1/4 of Section 31; thence departing said South line run North 00°57'36" West along said East line for a distance of 49.05 feet to a point on the Northerly right-of-way line of Aloma Avenue West (SR 46); thence departing said East line run South 89°13'57" West along said Northerly right-of-way line for a distance of 60.00 feet to a point on a line parallel to and 60.00 feet West of aforesaid East line also being the POINT OF BEGINNING; thence continuing along said Northerly right-of-way line run South 89°13'57" West for a distance of 282.95 feet to a point on the Easterly right-of-way line of S R 417 (Greenway) also being a point on the West line of the East 1/2 of the West 1/2 of the East 1/2 of aforesaid Northwest 1/4 of Section 31; thence departing said Northerly right-of-way line run North 00°59'02" West along said Easterly right-of-way and said West line for a distance of 275.00 feet; thence departing said Easterly right-of-way line and said West line run North 89°13'57" East for a distance of 283.07 feet to a point on aforesaid parallel line; thence run South 00°57'36" East along said parallel line for a distance of 275.00 feet to aforesaid POINT OF BEGINNING.

Contains 1.787 acres, more or less.

FILE #Z2000-56/04-02.SS.1

DEVELOPMENT ORDER # 0-21000013(A)

EXHIBIT "B"
SITE PLAN

**SECTION 31 , TOWNSHIP 21 SOUTH, RANGE 31 EAST
SEMINOLE COUNTY, FLORIDA**

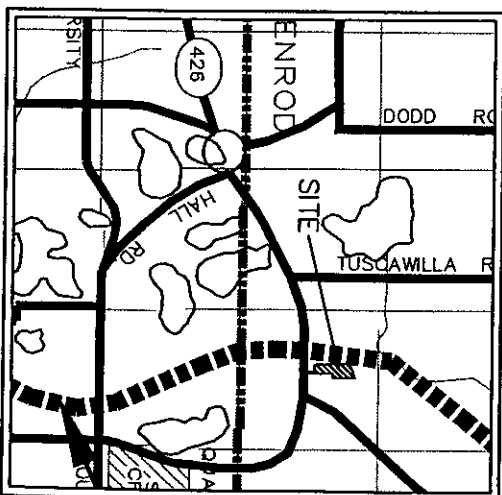
FOX CHASE PARTNERS, LTD.

INDEX OF SHEETS

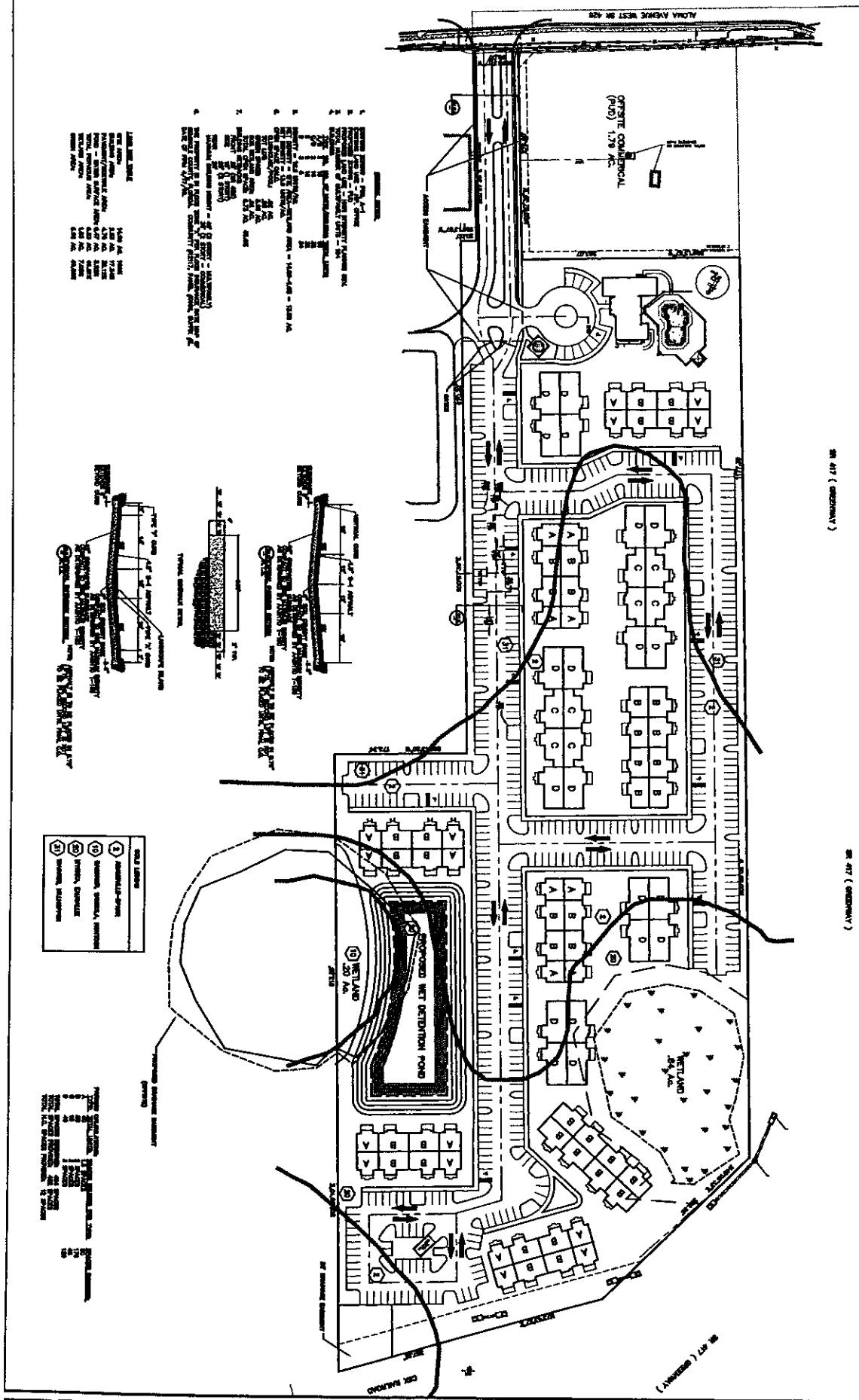
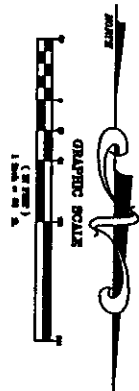
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MADDEN
engineering, inc.
CIVIL ENGINEERS

431 E. HORATIO AVENUE, SUITE 260
MAYLAND, FLORIDA 32751
PHONE (407) 629-8330
FAX (407) 629-8336



VICINITY MAP



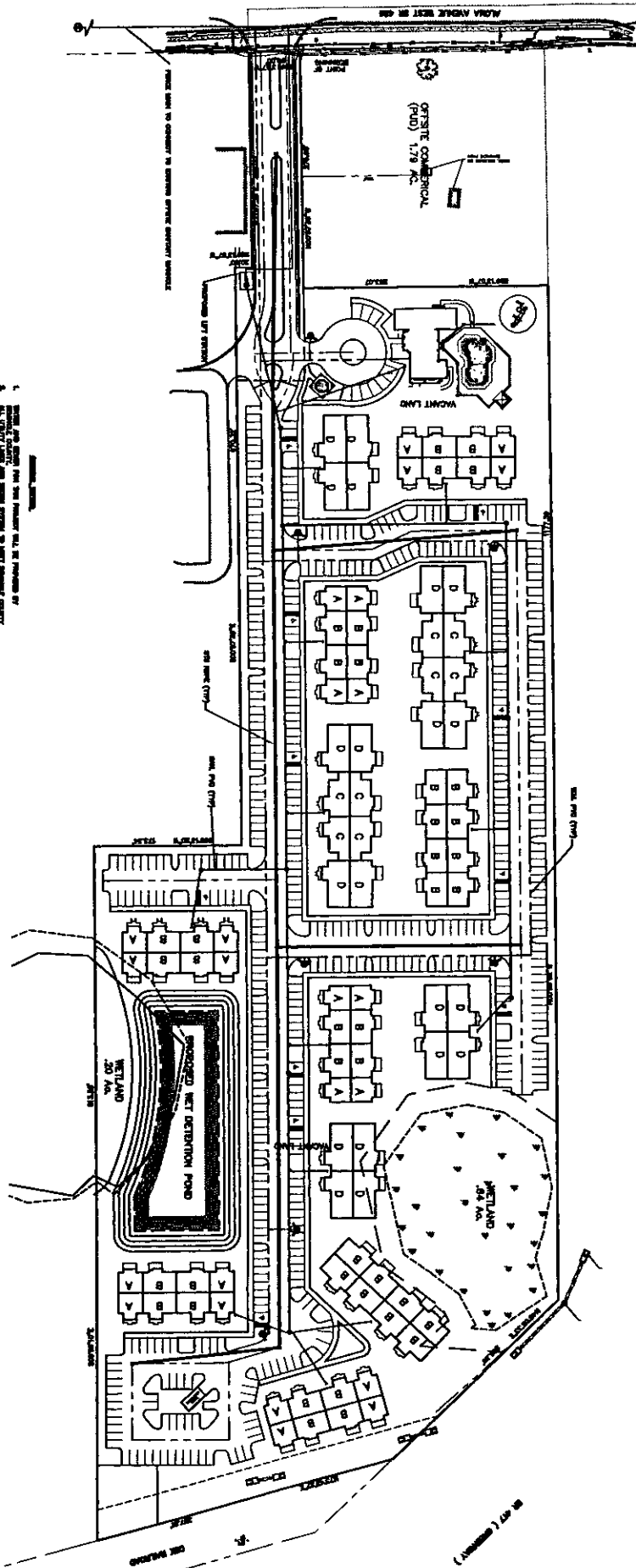
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2	PERMEABLE SURFACE
3	STORMWATER DETENTION
4	WETLAND DETENTION
5	WETLAND

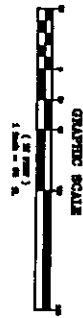
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<p>ST-1</p>	<p>DATE REVISIONS</p>	<p>ENGINEER IN CHARGE:</p> <p>DAVID F. GLINT, P.E. 857459</p> <p>CERTIFICATE OF AUTHORIZATION NO. 88-000722</p>	<p>CLIENT:</p> <p>FOX CHASE PARTNERS, LTD.</p> <p>1000 SANDHURST RD. NATURAL, FL 32809 (407) 741-8000</p>	<p align="center">SITE PLAN</p> <p align="center">FOR</p> <p align="center">MYSTIC COVE APARTMENTS</p> <p align="center">SEMINOLE COUNTY FLORIDA</p>	<p>MADDEN</p> <p>CIVIL ENGINEERS</p> <p>401 E. 10th Street Tampa, FL 33602 (813) 281-1111 (813) 281-1112</p>
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NOTES:
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SHEET NO. 5-1 DATE: 11/11/03 DESIGNED BY: J. G. G. DRAWN BY: J. G. G. CHECKED BY: J. G. G. APPROVED BY: J. G. G.	ENGINEER IN CHARGE: JAVIER F. GUNT, P.E. 857-659 CERTIFICATE OF AUTHORIZATION NO. 00-000723	CLIENT: FOX CHASE PARTNERS, LTD. 1800 SANDSPUR RD. SEBASTIAN, FL. 32976 (888) 741-0000	UTILITY PLAN FOR MYSTIC COVE APARTMENTS SEBASTIAN COUNTY FLORIDA	 MADDEN CIVIL ENGINEERS 401 E. 1st St., Suite 200 Sebring, FL 33870 (888) 888-2279 (888) 888-2279
	DATE: 11/11/03			



MATCH LINE SEE SHEET L-101

INTERNAL LANDSCAPING
 1) CANOPY TREE SHALL BE PROVIDED
 FOR EVERY (200) SQUARE FEET OF
 REQUIRED LANDSCAPING

**REQUIRED LANDSCAPING
 BETWEEN BUILDINGS & PARKING**
 1) LANDSCAPE BUFFER SHALL BE AT
 LEAST (10') IN WIDTH
 BASED ON 1994 SEMINOLE COUNTY
 CODE SECTION 360.23(2)(B).

**LANDSCAPING FOR PARKING AREAS
 ADJACENT TO NON-RESIDENTIAL**
 1) LANDSCAPE BUFFER SHALL BE 5' IN WIDTH
 2) CANOPY TREES PROVIDED FOR EVERY
 25 LINEAR FEET OF ADJACENT PARKING
 3) LANDSCAPE BUFFER SHALL BE PRO-
 VIDED @ 30' HEIGHT, 30' O.C.

**LANDSCAPING REQ' ADJACENT TO
 RIGHT OF WAY**
 1) LANDSCAPE BUFFER SHALL BE 10' IN WIDTH
 2) CANOPY TREES PROVIDED FOR EVERY
 25 LINEAR FEET OF FRONTAGE
 3) LANDSCAPE BUFFER SHALL BE PRO-
 VIDED @ 30' HEIGHT, 30' O.C.

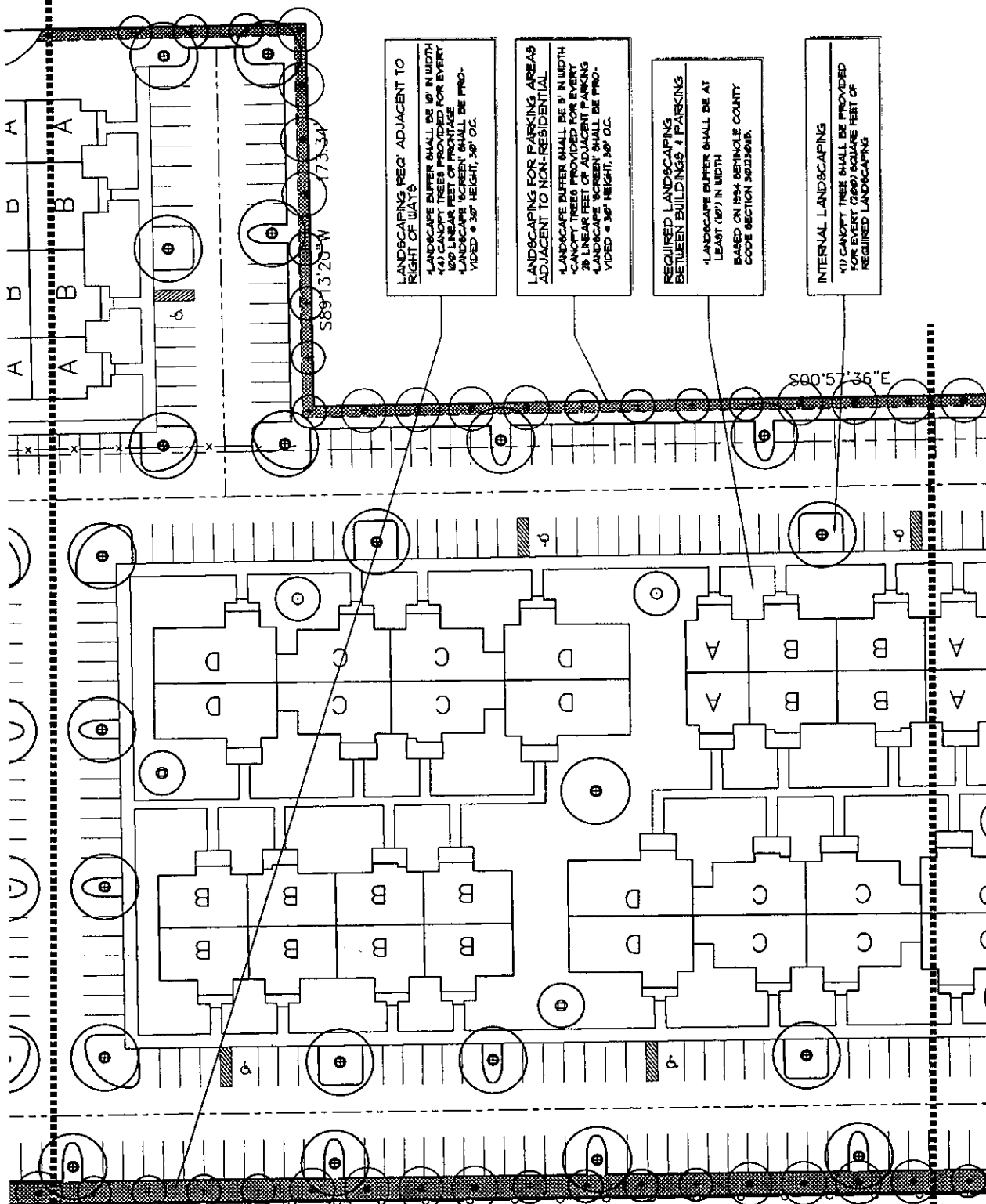
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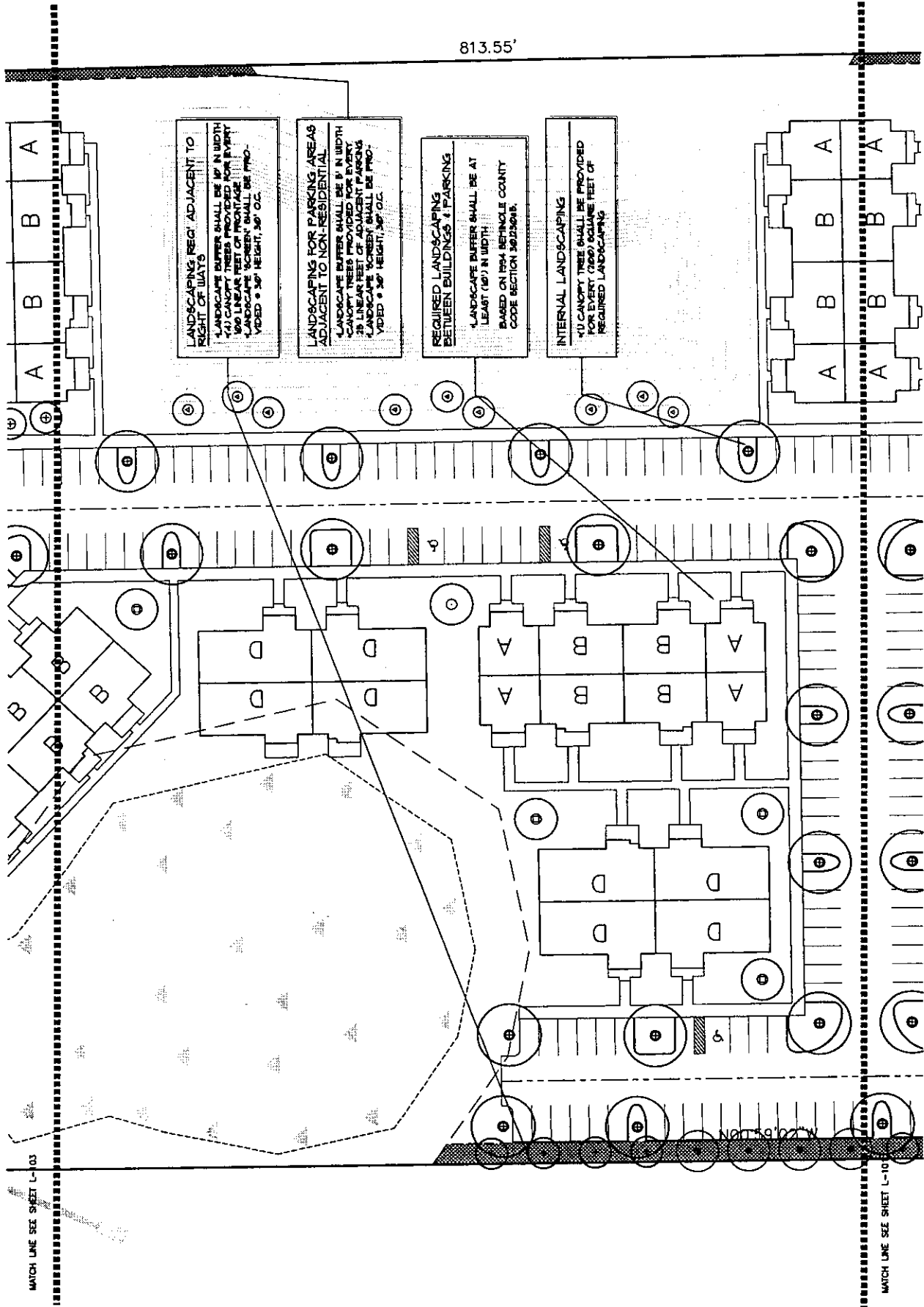
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ENTRANCE LANDSCAPING
 1) SCALE: 1/8" = 1'

MATCH LINE SEE SHEET L-101

MATCH LINE SEE SHEET L-101



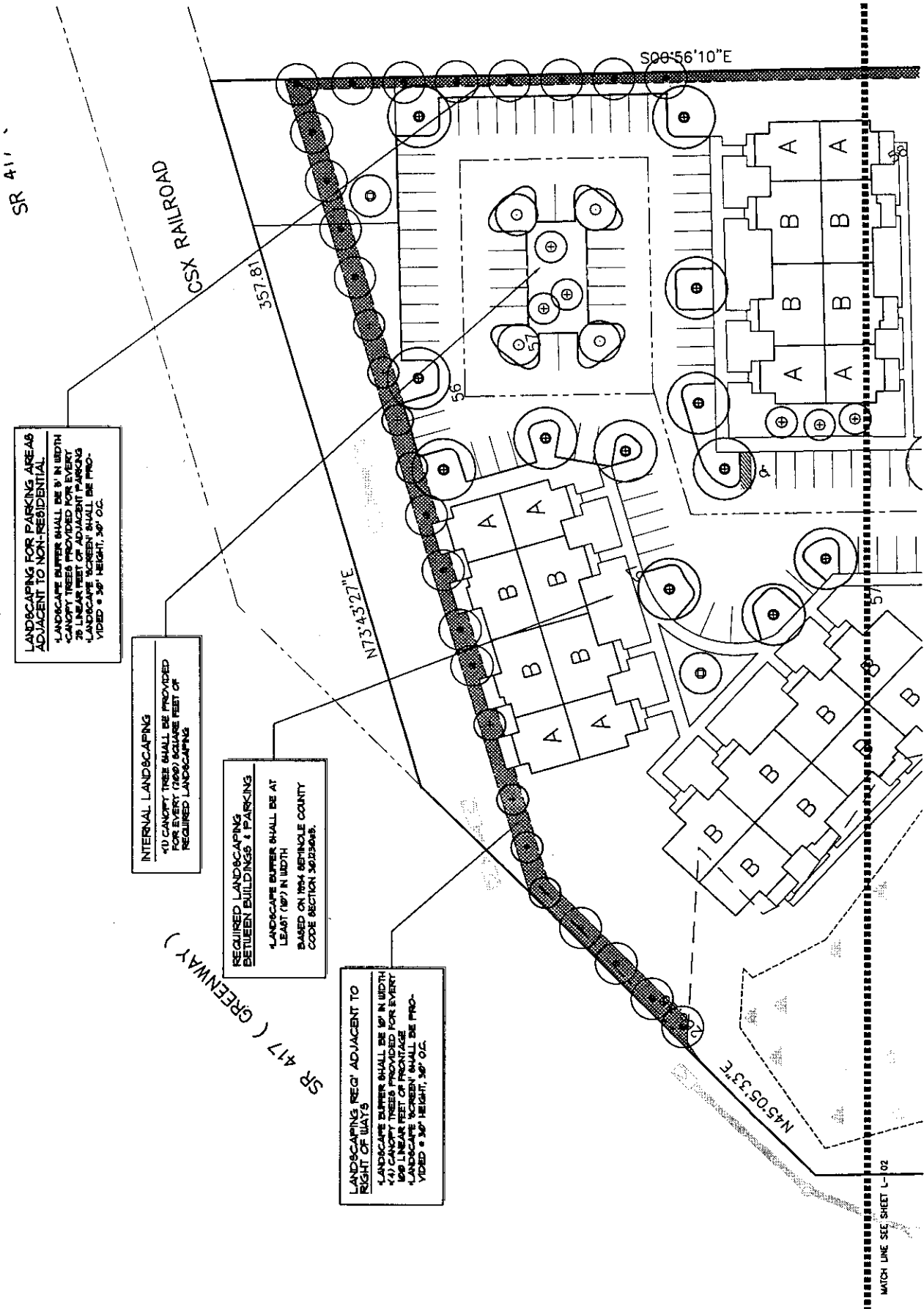


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**LANDSCAPING FOR PARKING AREAS
ADJACENT TO NON-RESIDENTIAL**
LANDSCAPE BUFFER SHALL BE 9' IN WIDTH
LANDSCAPE TREES PROVIDED FOR EVERY
1500 LINEAR FEET OF ADJACENT PARKING
LANDSCAPE TREES SHALL BE PRO-
VIDED @ 30' HEIGHT, 30' O.C.

INTERNAL LANDSCAPING
LANDSCAPE BUFFER SHALL BE PROVIDED
FOR EVERY 1500 SQUARE FEET OF
REQUIRED LANDSCAPING

**REQUIRED LANDSCAPING
BETWEEN BUILDINGS & PARKING**
LANDSCAPE BUFFER SHALL BE AT
LEAST 10' IN WIDTH
BASED ON 1994 SPRINGFIELD COUNTY
CODE SECTION 36.03.04.05.

**LANDSCAPING REQ' ADJACENT TO
RIGHT OF WAY**
LANDSCAPE BUFFER SHALL BE 10' IN WIDTH
LANDSCAPE TREES PROVIDED FOR EVERY
1500 LINEAR FEET OF FRONTAGE
LANDSCAPE TREES SHALL BE PRO-
VIDED @ 30' HEIGHT, 30' O.C.

**Approved
Development Order
December 12, 2000**

3993 1079

SEMINOLE CO., FL

FILE #

PZ 00-56

DEVELOPMENT ORDER # 0-21000013

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On December 12, 2000, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Brantly W. Clayton, 5350 Diplomat Circle, Orlando, Florida 32810

Project Name: O. G. Commercial Rezoning

Requested Development Approval: Rezoning from Planned Unit Development (PUD) zoning classification to Planned Unit Development (PUD) zoning classification

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: AMANDA SMITH
1101 East First Street
Sanford, Florida 32771

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *Carla Cole*
DEPUTY CLERK

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:


- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. Connect to Seminole County water and sewer services.
 - b. Permitted uses for the subject property shall include, unless otherwise noted, all those uses permitted and conditional uses in the C-1 zoning district, including hotels, motels, minor auto/truck repair limited to non-commercial/passenger type trucks, auto/truck/trailer renting limited to non-commercial/passenger type trucks, personal self-storage, vehicle oil lubrication shops, convenience stores with gas pumps as an accessory use, car washes, and private schools and colleges, as well as the permitted uses in the R-4 zoning district, including elementary schools, churches, assisted living facilities, hospitals, nursing homes, and multi-family excluding student housing. Any alcoholic beverage establishments shall require a special exception.
 - c. Open space shall be developed in accordance with the Land Development Code and designed and designated to allow common access to all tracts.
 - d. All improvements in the open space areas, i.e., retention, shall be designed and landscaped as an amenity.
 - e. All truck repair and rental shall be limited to non-commercial/passenger type trucks.
 - f. Any pedestrian access to the Cross Seminole Trail shall be reviewed and approved by the Florida Department of Environmental Protection's Office of Greenways and Trails.
 - g. If a personal mini-storage facility develops on site only dry storage shall be permitted. No retail or commercial activities shall be permitted within the storage facility.
 - h. No open storage for the personal mini-storage facility shall be permitted.
 - i. If developed as a personal mini-storage facility, the height of the structure shall be limited to one story and the exterior shall be painted in muted colors, such as gray decorative split face block with blue or red trims. No vibrant colors shall be permitted.
 - j. If developed as a personal mini-storage facility, the facility shall provide a 24 hour secured entry.

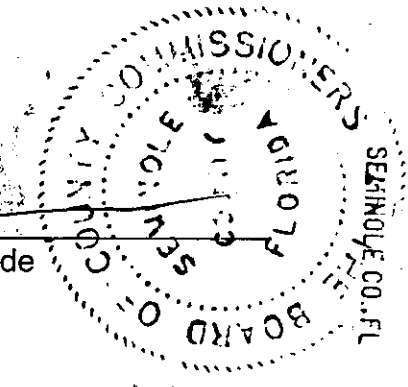
- k. All outdoor lighting shall be a maximum of twenty (20) feet in height, shall utilize cut-off fixtures.
- l. Cross access easements shall be provided to the internal tracts and to the property to the east.
- m. Prior to final site plan/engineering approval, a full concurrency review will have to be conducted.
- n. No adult entertainment establishments.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By 
Dick Van Der Weide
Chairman



3993 1081

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Brantly W. Clayton, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.


Witness


BRANTLY W. CLAYTON,
Property Owner


Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

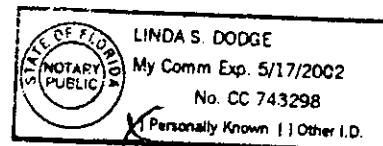
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Insert Name who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 3RD day of JANUARY, 2000.



Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



3993 1082
SEMINOLE CO., FL

**EXHIBIT A
LEGAL DESCRIPTION**

That part of the Northwest ¼ of Section 31, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Northwest ¼ of said Section 31; thence run North 01°06'03" West along the West line of the Northwest ¼ of said Section 31 a distance of 49.41 feet to the northerly right of way line of Aloma Avenue (as now established); thence departing the West line of the Northwest ¼ of said Section 31 run North 89°14'03" East along the northerly right of way of said Aloma Avenue 1714.80 feet to the West line of the East ½ of the West ½ of the East ½ of the Northwest ¼ of said Section 31 and **POINT OF BEGINNING**; thence along the easterly and southerly right of way line (a limited access right of way) of the Eastern Beltway the following courses: Run North 00°59'10" West along said West line of the East ½ of the West ½ of the East ½ of the Northwest ¼ of Section 31, 1452.39 feet; thence North 45°01'17" East 266.47 feet to the Southerly line of the C.S.X. Railroad (as now established); thence departing aforesaid limited access right of way run 73°43'35" East along said southerly line 157.50 feet to the East line of the West ½ of the East ½ of the Northwest ¼ of Section 31; thence run South 00°57'47" East along said East line 1680.17 feet to the aforesaid northerly right of way line of Aloma Avenue; thence South 89°14'03" West along said Northerly right of way line for 60.00 feet to the beginning of limited access right of way; thence continue South 89°14'03" West along said northerly right of way line for 282.93 feet to the Point of Beginning.

Containing 12.57 acres, more or less.

3993 1083
SEMINOLE CO., FL
OFFICIAL RECORDS
CLERK

LPA Minutes

- The decision of the Public Safety Director may be appealed to the Board of County Commissioners within 15 days of issuance.

Time frame from submission to Addressing Coordinator to Public Safety Director's written determination with Finding of Facts will be 20 business days.

Staff recommends adoption of variance procedure to Uniform Addressing System.

Shutts and Bowen, representative of Colonial Properties, thought this draft revision to the ordinance would add flexibility in the addressing stage

Motion to approve Amendment to Chapter 90, Uniform Addressing System by Commissioner Tremel. Second by Mark George.

Motion passes unanimously. (4-0)

2. *PZ00-56, Harling Locklin and Associates, Inc. (O.G. Commercial) Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) on approximately 12.57 acres, located north of SR 426, east of SR 417 and south of the Cross Seminole Trail. BCC District #1*

Amanda Smith

The subject property is located to the east of the GreeneWay, north of SR 426, and south of the CST. The applicant is requesting to rezone the property from PUD to PUD by combining two existing PUDs into one PUD, to allow unless otherwise noted, the conditional and permitted uses in the C-1 zoning district, including hotels, motels, minor auto/truck repair limited to non-commercial/ passenger type trucks, auto/truck/trailer renting limited to non-commercial/passenger type trucks, personal self-storage, vehicle oil lubrication shops, convenience stores with gas pumps as an accessory use, car washes, and private schools and colleges; as well as the permitted uses in the R-4 zoning district, including elementary schools, churches, assisted living facilities, hospitals, and nursing homes, and multi-family housing excluding student housing. Any alcoholic beverage establishments shall require a special exception. The subject property has a future land use designation of HIP, which allows such uses.

Originally, the northerly site, approved by the BCC on August 23, 1988, known as the O. G. Road Commercial and Industrial PUD containing 7.38 acres, was rezoned by the Seminole County Board of Commissioners from A-1 to PUD which allowed commercial and industrial uses.

On December 13, 1988, the Seminole County Board of Commissioners PUD containing 3.92 acres, rezoned the southerly site known as the O. G. Commercial from A-1 to PUD which allowed those commercial uses under the C-1 zoning classification.

Staff recommends approval of the requested PUD zoning classification, subject to the conditions of the development order.

Commissioner Tremel asked if the most intense commercial use was C-1.

Ms. Smith said yes, except for those uses that are specifically spelled out which are a little bit more intense than those C-1 uses that are in the Land Development Code.

Commissioner Tremel asked if any of those uses permit billboards.

Ms. Smith said because of the location of this property to SR 417, billboards would not be permitted and also because of the overlay that the Expressway Authority and DOT has placed on this area.

Mr. Fisher confirmed to the Board that none of these zoning districts permit billboards.

Hugh Harling, Harling Lockling and Associates, Inc., represented the applicant. He concurs with staff reports and comments. Mr. Harling expanded on a couple of points. An alcohol establishment is allowed with a special exception but there is church right next door and the County will not allow alcoholic beverages to be sold within 1,000 feet of a church so this use would not be allowed even through special exception procedures. Also, there will be no adult entertainment establishments.

During the condemnation proceedings for the beltway and the present condemnation proceedings for 426 in this location, a full intersection improvement of Starwood Drive has been obtained. This is a residential subdivision street directly across from the property and also included will be signalization and left turn lanes. The County has also requested that there be access easements with the church so that the church will be able to get to that signalized intersection.

In addition, there will be one additional use that was not allowed in the original PUDs and that is multi-family. There is a contract on the back part of the property for multi-family. It will be an affordable project. This does not mean low income, only that bond financing is being used which allows for a lower interest rate and allows controlled rent prices.

Mr. Basil Tenney, 200 Sir Lawrence Drive, asked if the back part of the property was to be multi-family dwellings and the front part to be commercial and/or industrial.

Mr. Harling said that Mr. Tenney was correct. The front outparcel is being reserved for some type of commercial utilization and the back would be for the apartments. The road access comes in with service for both the commercial and the apartments and cross access to the church.

Motion to approve an ordinance to rezone property located on the north side of SR 426 (Aloma Aveue), east of the GreeneWay (SR 417), from PUD (Planned Unit Development) zoning classification to Planned Unit Development (PUD) zoning classification and approve the development order placing staff and applicant requested conditions upon rezoning by Commissioner George. Second by Commissioner Tremel.

Motion passes unanimously. (4-0)

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approved by the Board on August 10, 1999. He advised the two subject right-of-ways were originally conveyed to the County in 1965 and 1967. He added that staff recommends approval.

No one spoke in support or in opposition.

Motion by Commissioner McLain, seconded by Commissioner Henley to adopt appropriate Resolution #2000-R-256, as shown on page _____, vacating and abandoning right-of-ways known as Church Lake Drive and Suburban Estates Trail, for property located south of County Road 46A and west of International Parkway within the Heathrow International Business Center, as described in the proof of publication, Pizzuti Companies.

Districts 1, 2, 3, 4 and 5 voted AYE.

REQUEST TO REZONE FROM PUD TO PUD,

O.G. COMMERCIAL PUD/HARLING LOCKLIN

Proof of publication, as shown on page _____, calling for a public hearing to consider a request to rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development); approve development order placing staff and applicant requested conditions upon the rezoning; and approve associated preliminary master plan; for property located on the north side of SR 426 (Aloma Avenue), east of the Greenway (SR 417), O.G. Commercial PUD, c/o Harling Locklin & Associates, Inc., received and filed.

Cindy Matheny, Senior Planner, addressed the Board to present the request, advising staff recommends approval subject to conditions in the development order.

Upon inquiry by Commissioner Maloy, John Dwyer, Section Chief, addressed the Board to advise the entryway will line up with Starwood.

Brad Stevenson, Harling Locklin & Associates, addressed the Board to state he sees no problem with the intersection lining up with Starwood.

No one else spoke in support or in opposition.

Motion by Commissioner Maloy, seconded by Commissioner Henley to adopt Ordinance #2000-55, as shown on page _____, rezoning property located on the north side of SR 426 (Aloma Avenue), east of the Greenway (SR 417), from PUD zoning classification to PUD zoning classification; to approve the Development Order, as shown on page _____, placing staff and applicant requested conditions upon the

rezoning; and to approve the associated preliminary Master Plan, for property described in the proof of publication, O.G. Commercial PUD, c/o Harling Locklin & Associates, Inc.

Districts 1, 2, 3, 4 and 5 voted AYE.

UNIFORM ADDRESSING ORDINANCE

Proof of publication, as shown on page _____, calling for a public hearing to consider an Amendment to the Seminole County Land Development Code, Chapter 90, Uniform Addressing, received and filed.

Frank Kirk, Emergency Management Manager, addressed the Board to present the request.

Attorney Lonnie Groot addressed the Board to express his appreciation to staff for working on this ordinance.

No one else spoke in support or in opposition.

Motion by Commissioner McLain, seconded by Commissioner Morris to adopt Ordinance #2000-56, as shown on page _____, amending the Seminole County Land Development Code, Chapter 90, Uniform Addressing, as described in the proof of publication.

Districts 1, 2, 3, 4 and 5 voted AYE.

COUNTY MANAGER'S CONSENT AGENDA, Continued

Ahoy Marine property lease was presented for action. Copy of revised lease agreement was received and filed.

Motion by Commissioner McLain, seconded by Commissioner Morris to authorize the Chairman to execute Lease Extension, as shown on page _____, for Ahoy Marine.

Districts 1, 2, 3, 4 and 5 voted AYE.

CHAIRMAN'S REPORT

Chairman Van Der Weide advised he will be sending a list of Liaison Appointments to the Board and will be submitting same into the Record at the next BCC meeting.

DISTRICT COMMISSIONERS' REPORTS

Motion by Commissioner Morris, seconded by Commissioner McLain to appoint/reappoint the following for District 2: